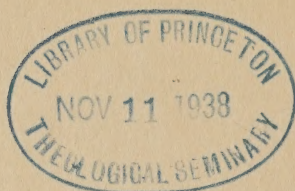


THE ETHICS OF JUDAISM
FROM THE
ASPECT OF DUTY

MAXWELL SILVER



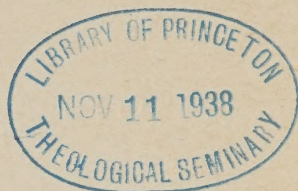
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the aspect of duty

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MAXWELL ✓ SILVER, D.D.

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IN THE LIGHT OF TODAY

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TO
JANE

"And if I say: 'I will not make mention of Him, nor speak any more in His name', then there is in my heart as it were a burning fire shut up in my bones, and I weary myself to hold it in, but cannot." (Jeremiah 20.9.)

"Duty! Thou sublime and mighty name that dost embrace nothing charming or insinuating, but requirest submission, and yet seekest not to move the will by aught that would arouse natural aversion or terror, but merely holdest forth a law . . . before which all inclinations are dumb, even though they secretly counterwork; what origin is worthy of thee, and where is to be found the root of thy noble descent?" (Immanuel Kant, Kritik of Practical Reason, Part I, Chap. III, Abbott's Translation, p. 180.)

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INTRODUCTION

Duty!—"that sublime and mighty name"!—is the subject of this book—duty, as it is conceived in the ethics of Judaism.

The phenomenon or idea of duty which has forever evoked the sense of reverence and awe in the heart of poet, moralist and philosopher of all ages and climes is a subject of absorbing interest in and by itself, apart from any particular interpretation of it. It should prove especially so in the ethics of Judaism wherein the idea of duty is preeminent. In this book an attempt has been made toward a critical analysis of this important idea in Jewish ethics.

The present writer has found this subject a very interesting one, but also a very difficult one to treat; and the fact that there has not yet appeared any special treatment on this subject¹ made his task even more difficult. The problem, to start with, was therefore how to go about exploring this important field. Then came the task of ascertaining just which ones of the numerous ethical doctrines that comprise the circle of religio-ethical ideas known as Jewish ethics will help to define and fully describe the idea under investigation. And this task consisted as much in what to omit as in what to elaborate.

The difficulty of our task was not at all lessened by the fact that Jewish ethics, and consequently the idea of duty underlying it, is not, as is, for instance, the case with Greek ethics, a subject apart from and independent of religion. To speak of Jewish ethics means of course to speak of the ethics of Judaism—the ethics underlying the Jewish religion—with which it is inextricably intertwined. All Jewish ethical ideas, including ours under discussion, are therefore complicated by

their inevitable reference to and dependence upon the various religious ideas and beliefs of Judaism, from which it is practically impossible to disentangle them when it is found desirable to do so for the purpose of analysis.

Again, the very well-known fact that in the strictly technical philosophic sense there is no such thing as a 'system' of Jewish ethics—no such thing, technically speaking as Jewish ethical 'concepts'—that, too, did not help make a proper treatment of our subject any easier. The Rabbis of the *Talmud*, who in spite of their great absorption in the ritual phase of Judaism were very earnestly preoccupied with the development of the ethical doctrines that are either explicit or implicit in the Jewish Scriptures, to which, let us note, they made most significant contributions,² did not arrive at their ethical doctrines, as did, for instance, the Greek philosophers, by way of philosophic or theoretic speculation. With the Rabbis, the crystallization of their ethical doctrines was rather the result of their profound religio-ethical experience, which was in turn inspired by their wholehearted absorption in the interpretation of the Jewish Scriptures—that inexhaustible fount of the Jewish spirit—each Rabbi deriving therefrom such ethical doctrines or such turns in old and accepted Jewish ethical doctrines as accorded with his individual intellectual lights and his particular kind of piety. This process of arriving at their ethical doctrines, not, let us note, for the purpose of development of ethical theory but for the practical purpose of exhortation toward greater piety, was naturally not conducive to the development of a philosophically organized system of Jewish ethics. This explains why we have not in Jewish ethical teaching a unanimity of opinion as to most ethical ideas and doctrines—a clear-cut 'concept' on any particular ethical subject. In spite of this fact, however, let it be remembered, we do have in Jewish religious teaching a definite circle of ethical ideas, wherefrom one may obtain a pretty

definite idea of the Rabbis' 'way of looking' at the various Jewish ethical ideas and doctrines.

All of which would go to indicate, among many other interesting things, that there cannot possibly be only one way of treating our subject. Different writers can and would treat this subject differently than we have done in the present study.³

Ethics is sometimes defined as the science of duty. This all-embracing conception of duty gives the clue to our particular treatment of the idea of duty in Jewish ethics. Our aim in this study has been not merely to treat of the special psychologic and philosophic problems connected with the concept of duty in general ethics and particularly in the ethics of Judaism, but, keeping in mind this broader conception of duty as embracing in a manner the entire field of ethics, to examine as well the whole field of Jewish ethics from this larger aspect of duty. Such an examination of our subject afforded us the welcome opportunity of investigating most of the leading principles and doctrines of the ethics of Judaism, which we found intimately related to its idea of duty. In fact, we have found a discussion of most of them inescapable for a proper and comprehensive understanding of our subject. This explains the title of our book—*The Ethics of Judaism from the Aspect of Duty*. For this reason, too, it is our belief that this study should prove of interest to the general student of Judaism, or, for that matter, to the student of general ethics, and also, we may add, to any intelligent reader.

The plan which we have followed in this study in treating this important and interesting subject is briefly as follows:

We preface our discussion of the idea of duty in Jewish ethics for obvious reasons with an analysis of the idea of duty in general ethics. The latter analysis will enable us incidentally to observe with great interest, as we proceed in the later phases of our study, how closely some of the essential phases of the

Jewish idea of duty approximate those of the idea of duty as developed by many contemporary ethical writers.

In our treatment of the idea of duty in general ethics, we have followed very closely the ideas on this subject as developed by Dewey and Tufts in their well-known text book on Ethics. The scientific approach on the part of these celebrated authorities to the various ethical problems has continuously and convincingly appealed to the present writer. These authorities, it appears, were not interested in creating an ethical 'system' on the well-known but now discredited model of the famous German philosophers beginning with Kant. Their chief concern in this text book was to attempt to analyze historically and critically the various important ethical problems in accordance with the data thus far gathered and generally accepted by social psychology and the related social sciences touching upon the constitution of human nature and the nature of society. They therefore, unlike our German philosophers, started with no pre-conceived, *a priori*, dogmas about human nature—the source of duty—and the other factors involved in ethical theory. It is principally for this reason that their conclusions on the various ethical problems have always proved convincing to the present writer.

In this connection we are induced to state, especially in view of our finding, as we go along, many points of similarity between some of the essential phases connected with the Jewish idea of duty and those of contemporary general ethics as developed by our authors and others, that the aim of this study is not that of harmonization—the age-old but mistaken practice common to apologists of all religions, of fitting the religious or ethical doctrines of their respective religions into the procrustean bed of some philosophic or ethical system of current fame. Our aim has been rather to write a critical analysis of our subject, based directly on the various Jewish sources, and only incidentally and for the purpose of modern

interest to point to the evident and interesting similarity between some of the phases of the Jewish idea of duty and those of the idea of duty of many writers of contemporary ethics, with which latter we see eye to eye on the subject of duty and related ethical problems. Again, we trust that the critical reader will not hold it against our thesis, that our comparative analysis of the idea of duty in Jewish and contemporary general ethics has elicited conclusions that are gratifying to the Jewish student. We say gratifying, in that it shows how thoroughly sound (we would rather, for good reasons, not use the term 'modern') our Rabbis so long ago were in their ethical ideas and doctrines on human nature, on duty, and on so many other related ethical subjects, without of course in the least aiming to be 'philosophic' or 'scientific' on these matters. And these gratifying conclusions, the reader will arrive at, we believe, from the plain statement of the Rabbis' beliefs on the various ethical subjects and problems under discussion in the light of contemporary ethical ideas, rather than from the forced reading, for apologetic reasons, of so-called 'modern' ideas into their ethical teachings.

For this reason, we have quoted the Rabbis' deliverances on our various subjects liberally and, as much as was possible, literally, as they appear in the Talmudic and Midrashic sources.⁴ Another reason for so doing is the present writer's hope that this study may be of benefit to the student who is interested in learning not only the Rabbis' thoughts on the ethical problems treated here, but also their peculiarly own interesting mode of phrasing them, not forgetting the significant manner in which they invariably derive them from or base them upon the various biblical texts.

Our analysis of the idea of duty in general ethics, to be found in our first chapter, is preceded by an analysis of human nature as understood today by many writers of contemporary ethics, for the reason that we are enabled to arrive at a cor-

rect notion of the idea of duty only as a result of such an analysis. For the same and other good reasons which will become apparent later, we have also made, in our fourth chapter, an analysis of the *Yezer*, or the idea of human nature as developed in the Old Testament and in the Talmudic literature. This analysis of the *Yezer*, we may state right now, will bring home to us the Rabbis' very modern *unitary* conception of human nature, their fine psychologic grasp, following from this conception, of the causes in man's very complex nature that make for his shunning of the difficult paths of duty, and the very effective ways and means which they urge upon man to enable him to take in hand the recalcitrant forces of his nature and train them to submit to the imperious and ennobling call of duty which the Rabbis find resident in the inner sanctum of man's own, much depreciated human nature.

Before proceeding, however, with our analysis of the *Yezer*, we found it helpful toward a thorough understanding of our subject to ascertain, in our second chapter, what term or terms stand for our general ethical term 'duty' in Biblical and Talmudic literature, our conclusion being that *Mizwah* is the term. We shall find that though the identification of *Mizwah* with moral duty may only be critically inferred in the Hebrew Bible, it explicitly designates moral duty in Talmudic literature. We shall also find that though *Mizwah*—owing to its extra-ethical, i.e., religious, implications—only approximates our term duty in general ethics, it best expresses for that very reason the characteristic Jewish *religious* approach to duty. We will have occasion to refer here to the very interesting hypothesis that the Biblical *Mizwot* originally designated the *ethical* laws of the Deuteronomic Code. Our study continues, in our third chapter, with the very interesting and informing subject of the distinction (moral and ritual) to be discerned in the Bible between the various commandments; also of the distinctions made between the commandments in Talmudic

literature (between rational and irrational commandments, and between the commandments or duties as between man and God and as between man and his fellow); and of the further classifications of the commandments by the various medieval Jewish religious philosophers beginning with Sa'adia, into Rational and Traditional commandments. This discussion of the commandments in Judaism will bring out the important ethical idea, which was properly stressed in modern ethics by Kant—of the autonomy of the moral law, which this discussion will show to be implicit and explicit in the ethics of Judaism, though not in the strictly Kantian sense.

After tracing the idea of the *Yezer*, we proceed, in our fifth chapter, with the study of the various motives behind the Jewish idea of duty. In our discussion of the various motives for moral conduct, we will find, as we would naturally expect to find in a religion that was the first, through its founding Prophets, to identify religion with morality—that the motives promulgated by the expounders of Judaism of the various literary periods are as ethically lofty as we would expect them to be. This, we believe, our findings will unmistakably show, despite the numerous attempts made all along and to this very day by Christian apologists—with their celebrated axe to grind—to depreciate the moral grandeur of the ethical motive in Judaism.

We then proceed, in our sixth chapter, with our study of the scope of the Jewish idea of duty. In this chapter we discuss, among other things, the well-known Jewish ethical doctrine of *Middat Hasidut*—the norm or way of the truly pious man, and the celebrated Talmudic principle connected therewith, known as *lifenim mi-shurat ha-din*—conduct within or beyond the boundary of legal right. In this connection we also discuss the relation to this exalted Jewish moral principle of the famous Aristotelian doctrine of the Mean as championed in Jewish ethics by Maimonides. We also attempt in this

chapter to explore some of the other significant phases of the Jewish idea of duty which reveal its inner depth—its binding, categorical and ultimate character in the Jewish soul—and those characteristics thereof that reveal its moral and universal breadth. We conclude this chapter with a very revealing statement of the Rabbis which makes Duty paramount in man's life even on the assumption that man's life is not worth while or, in the Rabbis' own phraseology, even on the assumption that 'it were better if man had not been created.'

We conclude our study with a brief statement of one or two ideas in Jewish ethics which reveal the emphatically social character of the Jewish idea of duty—its broad conception of social justice and its anti-individualistic and anti-ascetic quality. We refrain here from dealing exhaustively with this very important and interesting phase of Jewish ethics, as we have already dwelt at length on this subject in an earlier work, to which we will have occasion to refer in the present study.

While it has been our intention to treat more or less exhaustively our Biblical, Talmudic and Midrashic sources touching upon the various phases of our subject, it was not our aim to similarly treat our medieval sources, though we have not entirely neglected these. One reason for the same was our desire not to make this study too lengthy. And another, to render the Jewish approach to the various ethical doctrines and problems dealt with here, in its pristine character, uncolored by its later Arabic-Greek influences. We have therefore chosen for comment from the prolific and important literature of the medieval Jewish philosophers mainly those discussions which we found confirming and stressing the Rabbis' ideas on some of the phases of our subject, particularly on the motive, and of course their important contribution on the Rational and Traditional Commandments.

In writing this study, we were careful to follow two of the

Rabbis' well-known and fine admonitions—one ethical, the other critical: "Whosoever reports a thing in the name of him that said it brings deliverance into the world";⁵ "One is in duty-bound first to learn (i.e., one must be first informed on the subject) and then philosophize thereon."⁶

We trust that the kind reader of this work will not find its author altogether recreant in these regards.

May we close these introductory remarks with the hope that this work may help the student, for whom it was primarily written, toward a wider knowledge and a greater appreciation of the ethics of Judaism, about which important subject so comparatively little has been written, especially in the English language.

CHAPTER I

THE IDEA OF DUTY IN GENERAL ETHICS

"Rabbi Hiyya bar Ashi reported in the name of Rab: The wise have no rest in this world nor in the world to come, for it is said, (Ps. 84.8) 'They go from strength to strength.'" (Berakot 64a.)

SYNOPSIS—An Analysis of human nature, leading to (1) a unitary conception of human nature or the self; to (2) a sound morality that is opposed to both the extremes of Asceticism and of the Superman 'philosophy', both characterized by one-sided conceptions of human nature, both overlooking the rich innate social capacities of the self; to (3) the finding of the source of duty or goodness in man's indwelling Sympathy, in the social instincts and capacities of man's own unitary self, in man's own character or moral reason; Kant's arbitrary attempt to find the source of duty in an abstract, supersensuous Reason rather than in character, due to his hedonistic psychology; the meaning and importance of *motive* in duty; the dutiful act as an expression of our own organized will or character; the importance of motive stressed by Kant in his "Good Will"; the weakness in Kant's "Good Will" due to its abstract and empty character, to its arbitrary separation of the motive from the end or the social consequences of the moral act, leading to Kant's arbitrary separation of duty from goodness; the proper emphasis on the end or the social consequences of an act by the Utilitarians; the motive as the 'inner' and the end as the 'outer' phases of the same moral act, hence the absurdity of attempting to divorce the motive from the end; the important role of *reason* in the development of duty, giving us a standard

of values, helping us to decide whether our willed acts are right or worthy; the reasonable as identical with the social, the good, the moral or the dutiful; reason's aim, the accommodating—not the suppressing—of all of our instincts and habits to the wider ends of society; duty as the *conflict* between the ends which our *habitual life* presents and those which *reason* calls forth; the conflict of duty as the accompaniment of a *growing* self; the autonomous character of duty: duty as the expression of our own character; man's progress in duty, a never-ending process; the phenomenon of conscience not negated by the Utilitarian thesis of its evolutionary origin; the relation of duty to happiness; the notion of duty implied in every system of morality, but paramount in Hebrew ethics; the element of autonomy inherent in enlightened expressions of religion, despite the authoritarian character of religion; the contribution of the refined religious sense towards the deepening of the sense of duty.

The facts of human nature or the self, it goes without saying, must form the basis for a sound conception of duty. Thus present-day ethical theory naturally accepts the facts of human nature, as they are brought to light and analyzed for us in the science of social psychology and kindred social sciences, in arriving at its concept of duty.

Our development of the concept of duty should, then, properly begin with a brief analysis of the nature of the self as understood today, based mostly on the findings of social psychology.

Furthermore, for the subject of our study such an analysis of the self is of additional import. For when we will reach the Jewish conception of the self as it reveals itself in that pretty well defined circle of ideas clustering about the *Yezer*,¹ we will be impressed with the strong similarity between the Jewish idea of the self and that idea of the self which is accepted by present-day ethics as the basis of its various concepts. It will interest us very much to note that Jewish ethics

no less than contemporary general ethics champions the idea of the *unitary* nature of the self, and that it also arrives as a consequence thereof at a socially healthful conception of duty. A re-emphasis, then, of the still disputed doctrine of the social foundations of human nature, immediately to follow, cannot be made too often. Besides being the one redeeming hope of mankind, it is also conducive to, nay, indispensable for, sound ethical theory.

"Recent psychologists (writing of course quite independently of ethical controversies)", write Dewey and Tufts,² "offer lists of native instinctive tendencies, such as the following: Anger, jealousy, rivalry, secretiveness, acquisitiveness, fear, shyness, *sympathy, affection, pity, sexual love* (italics ours), curiosity, imitation, play, constructiveness. In this inventory, the first seven may be said to be aroused specially by situations having to do with the preservation of the self; the next four (i.e., sympathy, affection, pity, sexual love) are responses to stimuli proceeding especially from others and tending to consequences favorable to them,³ while the last four are mainly personal."

Again: "Confining ourselves for the moment to the native psychologic equipment, we may say that man is endowed with instinctive promptings which *naturally* (that is, without the intervention of deliberation or calculation) tend to preserve the self (by aggressive attack as in anger, or in protective retreat as in fear); and to develop his powers (as in acquisitiveness, constructiveness and play); and which *equally, without consideration of resulting ulterior benefit either to self or to others, tend to bind the self closer to others and to advance the interests of others—as pity, affectionateness, or again, constructiveness and play* (italics ours). Any given individual is *naturally* an erratic mixture, of fierce insistence upon his own welfare and of profound susceptibility to the happiness of others (italics ours)—different individuals varying much in

the respective intensities and proportions of the two tendencies.”⁴

A correct analysis of the self, therefore, finds that “*the self is constituted and developed through instincts and interests which are directed upon their own objects with no conscious regard necessarily for anything except those objects themselves. The false doctrine implies that the self exists by itself apart from those objective ends, and that they are merely means for securing it a certain profit or pleasure.*”⁵

One or two examples will suffice in illustration of the actual functioning of the self as just indicated. Take the case of the appetite of hunger. When this appetite asserts itself, our attention is directed not upon the thought of our self but upon the object necessary to satisfy our hunger, namely, food, or the securing of food. When our instinct of acquisitiveness is aroused, our attention is directed upon the particular object we are impelled to acquire—money, or the particular thing that money will buy, and not upon the thought of self or the pleasure that it may give to the self. The same holds true of all of our appetites and instincts that operate primarily for the preservation of the self. All our native self-regarding tendencies, when aroused, are directed upon those objects, things or persons that are required to satisfy them, and not upon the thought of our self, or of the securing of pleasure or of the avoidance of pain to the self. “In the same manner,” says Hume in complete harmony with mostly all modern psychologists, “there are mental passions, by which we are impelled immediately to seek particular objects, such as fame, or power, or vengeance, without regard to interest; and when these objects are attained, a pleasing enjoyment ensues, as the consequence of our indulged affections. Nature must, by the internal frame and constitution of the mind, give an original propensity to fame ere we can reap any pleasure from that acquisition, or pursue it from motives or self-love, and a desire

of happiness. In all these cases, there is a passion which points immediately to the object and constitutes it our good or happiness; as there are other secondary passions which afterward arise, and pursue it as a part of our happiness, when once it is constituted such by our original affection. Were there no appetite of any kind antecedent to self-love that propensity could scarcely ever exert itself."⁶

This is equally true in the case of our other-regarding or social instinctive inclinations. When, for instance, we behold a person in pain, we *naturally* become disturbed in mind and are *naturally* moved to do something to relieve that person's pain. "This means that certain instincts or certain acquired habits demand relief of others *as part of ourselves* (italics ours). This is precisely what is meant ordinarily by unselfishness; *not lack or absence of self* (italics ours), but *such* a self as identifies itself in action with others' interests and hence is satisfied only when they are satisfied."⁷

The false doctrine of the self, however, even in regard to these distinctively social instinctive inclinations of ours, would have it that the self exists by itself apart from these objective social ends, which are considered by it merely as means for securing the self a certain profit or pleasure. This false doctrine derives of course from the false psychology of hedonism, and is, strange as it may seem, common to entirely different schools of ethics, being at the basis of the ethical theory, for example, of such an extreme utilitarian as Bentham and of such an extreme intuitionist as Kant.

The hedonistic psychology, it would seem, puts the cart before the horse. The pleasure which the hedonists conceive as the conscious or unconscious motive or spring of all of our actions, is only the resulting or concomitant feeling of the realization of our desires and purposes. It is our instinctive desires and purposes that are primary, while our pleasure-pain feelings are only their derivatives. As Thilly puts it: "My

pleasures depend upon my impulses and desires, my desires do not depend upon my pleasures. To assume that pleasure is the cause of an act because it follows the act, is a fallacy of the *post hoc ergo propter hoc* kind."⁸

So also Darwin, who not only deals a death blow to the false and age-old hedonistic psychology, but also confirms the important doctrine of the social nature of man, which received its vindication in Greek thought through Plato and Aristotle, and in modern times through a host of authorities numbering among them such names as Bacon, Shaftsbury, Hutcheson, Hume, J. S. Mill, Bain, Sedgwick, and Spencer, as well as through almost all modern psychologists. "All the authors", writes Darwin,⁹ "whose works I have consulted, with a few exceptions, write as if there must be a distinctive motive for every action, and that this must be associated with some pleasure or displeasure. But man seems often to act impulsively, that is, from instinct or long habit, without any consciousness of pleasure, in the same manner as does probably a bee or ant, when it blindly follows its instincts. Under circumstances of extreme peril, as during a fire, when a man endeavors to save a fellow-creature without a moment's hesitation, he can hardly feel pleasure; and still less has he time to reflect on the dissatisfaction which he might subsequently experience if he did not make the attempt. Should he afterward reflect upon his own conduct, he would feel that there lies within him an impulsive power widely different from a search after pleasure or happiness; and this seems to be *the deeply planted social instinct*" (italics ours).

Again, hedonistic psychology proves itself false not only from the viewpoint of a correct analysis of the unconscious *motives* of our actions, but also from an analysis of the *effects* of our actions.

Even our very self-regarding or 'egoistic' instincts may be said in their ultimate purposes to be socially beneficial as well,

for without them and without their vigorous driving of the individual to obtain food, shelter and safety, there could be no society. It is to society's benefit, as well as to the individual's, that every human being should have his capacities brought into play most intensely by those things that directly make for his own survival and well-being. Furthermore, we find many of our self-regarding instincts, in some of their manifestations, *directly* making for socially significant consequences. While, for instance, anger is reckoned as a primarily self-regarding emotion, expressing itself in a feeling of resentment against personal hurt, it may at times also be wholly other-regarding or socially beneficial, as in the case of the indignation aroused by a hurt or wrong inflicted upon another who is within range of our sympathy. Anger then becomes nothing less than *moral indignation*, and moral indignation is the foundation of our all-important social sentiment of justice.¹⁰

In brief, in the words of Dewey and Tufts, "every actual self is a self which includes social relations and offices both actual and potential."¹¹

In fact, it is because our actual self was originally endowed with socially conservative capacities, with those 'cosmic roots' of the moral life, that our moral development was made possible. It is thanks to these native social endowments of our self that in the early social development of man group-morality came into being, and that later, when the various forces of individualism broke the stout bonds of group-life and its group *mores*, conscience was enabled to emerge, ushering in, in turn, the stage of personal, reflective morality.

True, indeed, the external forces operating in the evolution of man and society, rightly emphasized by the Utilitarians, and the development of the deliberative faculty or reason, contributed their important share toward man's long process of moral development. But if these social tendencies, these 'cosmic roots' of the moral life, had not been present in human

nature to start with, the external forces in question no matter how potent would have remained powerless to effect man's profound moralization. Social coercion, which the utilitarian school overemphasized, could at best compel the allegedly non-social or anti-social man to reluctantly conform to certain social standards of conduct, but it alone could not have converted this external conformity into man's inner identification of himself with the rightness of society's moral demands. Nor could reason alone, no matter how persuasive its social message, motivate man to seek his own highest good in that of society's, if it were not able to engage the social tendencies in man's own nature, man's innate sympathetic affections, which were fortunately available therein from the beginning.

How closely the Jewish ideas of human nature approximate the conception just outlined, of the unitary and basically social nature of man, will become apparent in our discussion of the *Yezer* (the Hebrew term for man's nature) which was conceived as possessing both the Inclination for Good and Evil (Chapter IV).

The ancient doctrine of the natural and exclusive selfishness of human nature or the self is therefore psychologically false. It does violence to and is truly libelous of man's nature. This age-old doctrine which is common to Buddhism, Christianity, Cynicism, and Stoicism, and is also at the basis of the moral philosophy of Kant, who goes so far as to say that every rational being must wish to be wholly free from inclination, overlooks the rich complexity of the self which is as richly endowed with social as with self-regarding potencies.

The evil consequences of this one-sided notion of human nature are evident in the resultant negative and futile morality. Its logical and inevitable way of life is Asceticism—the futile seeking for goodness or virtue in the denying, the mortifying, the abnegating, nay, even the eliminating of everything in the self, instead of reaching after the good life, as nature

has intended us to do, through the full realization of all of the rich capacities of the self, through the self's complete fulfillment, or, which is another way of saying the same thing, through the self's complete socialization.

It is this same one-sided conception of the self that explains the artificial separation by the older moralists of the self into two distinct and mutually exclusive compartments—a 'lower self' and a 'higher self'. The source of all evil is placed within the allegedly corrupt and vile self—the self of 'desire' and 'inclination'—and the good is placed in some outside source, some higher law or ideal. In the case of Christianity, this explains its dogma of the innate depravity of man and its consequent need of a divine mediator in order to make possible a life of goodness. We find the same idea in Hobbes. With Hobbes, indeed, the out-and-out selfishness and anti-social nature of man was so much of a certainty that it led him to justify the permanent existence of the autocratic State, on the proposition that it was performing the great social good of keeping in check the *bellum omnium contra omnes*, the 'war of all against all' which is brought about by man's alleged out-and-out natural egoism. And the same notion led Kant to a disparagement of the affections, to his absolute separation of sense or appetite from reason and duty, and to seek for the source of duty in a rational self that is supposed to be independent of and above the self of inclination and affection.¹²

And just as the inefficient self-denial morality was the outcome of a one-sided and false conception of human nature which overlooked its rich socially conserving foundations, so was its antithetic doctrine of the Superman, recently given a philosophic dress by Nietzsche, the result of a similar one-sided idea of human nature. This doctrine came into being largely as a natural reaction to the impotency and negativeness of the self-denial doctrine of primitive Christianity which for centuries put a pall over Western civilization.

As is well known, this Superman morality found its sanction in Darwinian Evolution, as the proponents of the similar doctrine among the ancient Greeks found their sanction in the 'Law of Nature'.¹³ This 'moral' doctrine would have us believe that all of man's actions which are based upon sympathy, benevolence and justice are but an immoral concession on the part of the efficient and the strong in favor of the weak and the inefficient, and therefore a hindrance to 'progress', i.e., to the development of the Superman. The Superman has in fact a higher destiny, and therefore must be guided by a different and, of course, a 'higher' morality. The ordinary moral scruples, growing out of sympathy and justice, dare not stand in the way of his progress. It is perfectly all right for the 'strong' to ride rough-shod over the carcass of his 'weak' brother, for only in the survival of the 'strong' lies the salvation of the human race. And the pious phrase justifying this reversion to the morality of the caveman, is, of course, 'unbridled individualism', the 'rugged individualism' of the present-day American demagogue.

At this late date, it is hardly necessary to repeat that this revamped 'naturalistic' Superman-morality has built its theories on a one-sided interpretation of the evolutionary hypothesis. Its conception of the evolutionary 'struggle for existence' as a 'gladiatorial show' may have been partly true in the case of the lower forms of life. It overlooked the fact that in the case of the higher forms of life survival and development were largely achieved not by ruthless combat and competition but by the socially beneficent element of mutual aid, so convincingly stressed by Kropotkin in his famous *Mutual Aid*. Thus, in the words of Dewey and Tufts, "the chief objection to this 'naturalistic' ethics is that it overlooks the fact that even from the Darwinian point of view, the human *animal* is a *human* animal. It forgets that the sympathetic and social instincts, which incline the individual to

take the interests of others for his own and thereby to restrain his sheer brute self-assertiveness are the highest achievement, the high-water mark, of evolution. The theory urges a systematic relapse to lower and foregone stages of biological development."¹⁴

Man's highest welfare can no more be found by way of a morality based on mere self-assertion than by the aid of a morality founded on self-denial. And for the same reason. Both of these moralities, in remaining blind to the rich complexities of the self, refuse to do justice to the whole self, because they overlook the unity and potential nobility of the many-faceted self of ours; because they overlook the psychological fact that the good life can only grow out of the same self which they are bent on stifling and denying. Their protagonists remain innocent of the fact that the self can be ennobled only through the blending of its many natural and legitimate tendencies with its sympathetic and social potencies. The self-assertion doctrine, by overlooking the potent role which man's native sympathy and generosity played in man's evolution, futilely attempts to find the happiness of the Superman, about whom only it is concerned, in mere activity, mere achievement, mere conquest and power—in short, in aims independent of man's sympathetic and socially conservative tendencies. This doctrine ignores the fact that these very beneficent tendencies must be brought into play in order that the proper integration and unification of the self may be accomplished. Which is but another way of saying that only through the individual's complete socialization can he achieve his true progress and happiness.

Now, many of the acts which are the natural expressions of our complex self, particularly those which are motivated by our primarily social inclinations, naturally, that is to say, unconsciously, operate for the larger social good. As the social good is but another term for the moral good, we may speak

of such acts as *unconsciously* moral. But these unconscious moral acts, in order that they may become distinctively moral, must first become *consciously* so. They must, in other words, become *voluntary*. They must become the expressions of our character, of our morally integrated will. An act making for results however good, if done unconsciously, either pushed from behind by instinct or resulting from external pressure, is not considered properly moral. The act was not foreseen, fore-thought, purposed, *intended*; it was not the expression of a *motive*; it was not consciously willed.

Nor is this the whole story. For our act to be truly moral, we must not only will it, we must also will it as good, as worthy, as right. We must apply to it a standard of judgment—a moral standard; one either set by society, which we consider as good or right, or one formulated by our own reason, character or conscience.

A friend needs our help. We decide to help him. We do help him, despite personal discomfort to us. And we do so not because of fear and pressure of public opinion, not out of desire for popularity; not because we calculate that some day we may need our friend's aid and therefore we had better help him now, but rather because we feel that that is the right, the proper, the worthy thing to do. To act otherwise would make us feel out of sorts, it would not be a true expression of our character. In such a case we are said to have performed a truly moral act.

To will an act, therefore, and to will it as good, as right and as worthy, makes an act truly moral.

This explains the just stress laid on the 'inner' springs—the attitude, the intention, the motive, the 'good will'—in our judgment of the morality of an act. This explains Kant's ecstatic though one-sided emphasis upon the 'Good Will', in opposition to the Utilitarians who consider the Good Will or motive of an act of little importance—the all-important thing

with them being rather the results, the social consequence of the act. Thus Kant speaks of the Good Will as "a jewel which shines by its own light", as the only thing in the world which is "good without qualifications".¹⁵ The fault with Kant's 'Good Will' is, that he made of this motivating spring behind truly moral action an empty abstraction, something wholly divorced from and independent of all ends, purposes or results of all specific moral acts—empty even of capacity to attain the desired moral end. To Kant, "a Good Will is good not because of what it performs or effects, not by its aptness for the attainment of some proposed end, but simply by virtue of the volition; that is, it is good in itself."¹⁶ Such an abstract and empty Good Will never existed, and if it had, would certainly not be "good in itself". The value of our moral willing is not in that it contains the capacity for mere abstract volition, but rather in that it is definitely and actively directed toward the realization of specific social ends or results regarded as desirable, such as rendering a service to a friend, saving a person from drowning, and the like. The motive of our moral act is indissolubly bound up with its results, nay, in the words of Dewey and Tufts, "is the key and clue to the results."¹⁷ The morality of an act willed, as for instance one's whole-hearted attempt to save a drowning person, does not necessarily depend upon the end being successful. External circumstances may, as they often do, make success or realization of the end intended impossible. But what makes the act moral despite the failure of the end aimed at, is the fact that the agent did all in his power to make that end successful. And in approving of the agent's motive in that particular act we of course assume the agent's whole-hearted though unsuccessful efforts to attain the aim desired and actively intended.

The right kind of motive, the right 'inner' reason for the act, is therefore indispensable for a truly moral act. But the

right motive is not divorced from the right end, which is the direct result of, or the direct end aimed at as the result of, the right motive.

The Utilitarian school has properly emphasized, though also one-sidedly, the importance of the 'outer' phase—the end achieved, the social consequences—of the act. Even as Kant divorced the end of the act from the Good Will or the motive, considering the end of no moral importance, so did the Utilitarians divorce the motive from the end, looking upon the motive not as upon that inner spring to action which literally motivates the act but rather as mere inert states of consciousness. As such they only happen to be uppermost in the mind as we act, have no relation to our desires and inclinations, and are consequently of no moral importance. This notion of motive led them to make a false distinction between motive and intention, intention according to them being *what* a person means to do, and motive representing only the frame of mind indicating *why* he means to do it. Which in turn led them to attribute worth only to the former. The truth, however, is that there is no difference between intention and motive. Both intention and motive have equal reference to the same desired act: "Intention is the outcome foreseen and wanted; motive, this outcome *as* foreseen and wanted."¹⁸ And of course motive is not blind feeling, impulse without thought. Motive is a "tendency which is aware of its own probable outcome when carried into effect, and which is interested in the resulting effect."¹⁹ And not only is it aware and interested in its own resulting effect, but is, as stated above, the motivating power making for that effect. Were it not for motive, the desired consequences of an act would forever remain on the intellectual plane, possessing no power to stir us into bringing the act to pass.

Nevertheless, the Utilitarians are right in emphasizing the importance of results, of the social consequences of actions,

and in calling attention to the important fact that the moral quality of any impulse or active tendency can be judged only by observing the sort of consequences it leads to in practice. No feelings in human nature are so sacred as to justify any act resulting therefrom regardless of its consequences. Motives must be judged as good or bad by their social effects. Even sympathy—the '*pou sto*' of the moral life—is not necessarily good in and by itself. Sympathy, too, must be controlled by a regard to its social consequences. Otherwise, instead of serving moral purposes, it often degenerates into mere mischief-making sentimentality. In many persons, sympathy may be only blind reaction to suffering, and their unreflective response to it may often lead to evil consequences, both to others and to themselves—to parasitism or inefficiency on the part of others, and to sentimentality, pride and self-complacency in their own selves. So-called sincerity in itself, independent of its ultimate ends and aims, may, as in the case of the fanatic, turn out to be fraught with evil. The fanatic is sincere enough, is freighted with plenty of 'good will', is even ready to sacrifice himself for his self-imposed duties. Yet we properly dislike him, because we dislike his narrow ends that take no cognizance of their larger social effects which are very often evil. Before our motives can be said to be properly good, their widest social consequences must be taken into consideration. And the deeper we examine our various half-impulsive, half-blind, half-conscious, half-unconscious motives from an ever-widening social viewpoint the more truly moral our conduct becomes.

This emphasis on the consequences of the moral act explains also the great importance of that other indispensable factor in the moral life, namely, our *reason*. It is this precious capacity of ours for abstraction and generalization, for deliberation and reflection, that enables us to decide whether the act that we have willed, that we have actively desired

and which is the expression of our motive, is also desirable, good, worthy, right.

In every voluntary act there is of course a rational element. In fact, it is precisely that element of intelligence that distinguishes it from a purely instinctive act, which is blindly pushed from behind instead of, as in the case of the voluntary act, evoked by some possibility ahead. The voluntary act—the act that is aimed at, purposed, intended, willed—contains the element of forethought, of seeing and comparing the various ends or consequences that will flow therefrom, and of preference of one end to the others foreseen.

Now this matter of preferring of one end to the others foreseen in a moral situation in the light of a standard of value, of worth, of right, is the function of reason in morals. In fact, when reason has succeeded in making our human life *reasonable*, it has succeeded in making it *moral*.

To act reasonably in the full meaning of the term is indeed a very difficult task, and not only because the implications of a reasonable act are so numerous, becoming ever more so with the growth of our moral intelligence, but above all because it is not the 'natural', the easiest way to act.

Our instinctive inclinations and our surrounding life which call out our desires and ends, move us as a rule toward their realization with such an irresistible impetuosity as to prevent our intelligence from perceiving immediately the ultimate effects of these acts upon our own selves, upon our own habits and character, as well as upon the well-being of others. At the same time that they call our intelligence into play, in giving us certain desired ends and the means of realizing them, they also, by dint of their objective and impetuous concentration of our attention on the realization of these ends, coerce our intelligence into narrow grooves, permitting it only narrow, partial, circumscribed views of those ends. And the function of deeper reflection upon those ends of our conduct—the func-

tion of reason in this instinctive and habitual life of ours—is to incline us to give thought to those ends which we are so impetuously driven to realize; to examine them from the viewpoint not merely of our own immediate as well as ultimate highest good, but also from the viewpoint of the larger social good. This rational examination of our individual ends leads us to the task of so modifying, re-arranging, re-constructing those ends as to make them fit into the larger ends of society of which our individual selves are but inseparable parts.

Reason sets up a standard—a social standard—which it finds to be identical with its own nature. By the aid of this social standard our instinctive and habitual tendencies are to be regulated, so that they may thereby conduce, as far as society is concerned, to the social good, and as far as the individual self is concerned, not merely to its immediate, partial satisfaction, but to the ultimate satisfaction of the complete and united self—to the self's ultimate happiness. Reason, in short, identifies the highest good of the individual with the highest good of society, and therefore counsels the individual to seek his true happiness by way of a completely socialized life.

Generally speaking, reason agrees with the natural urge of our normal tendencies, to wit: to seek expression as the means of giving to our self the desired sense of healthful satisfaction with and happiness in life. Reason's aim is not the suppression of our natural desires and habits, but rather the accommodating of the ends of our natural inclinations to the wider ends of society, which is indeed our larger self, our social self, of which our individual self is not only a part but without which it is really an impossibility. Mere satisfaction of desires as they naturally assert themselves without their reference to this rational standard of the larger needs and demands of society, may bring us some temporary pleasures or satisfac-

tions. But we quickly learn that such unconsidered action must in the end, due to its inevitable interference with the desires and expectations of our neighbors and the demands of society, bring its due punishment; and we also learn, though very slowly, that such self-centered action ultimately brings strife, irritation, dissatisfaction, disorganization, a sense of lack and incompleteness in our own selves. This is even true as regards our selfish actions which do not entail social punishment. Our morally unconsidered actions cater only to a partial self, to but a small segment of our self. They snub and leave out of consideration that greater living segment of our self, which consists of our rich social sympathies and affections. That larger and deeper self of ours refuses to be silenced. It, too, cries out for self-expression, and unless equally satisfied will not permit us to enjoy inward peace and happiness. The fact that this rich and living social segment of our self is not, so to speak, at the top, at the fore-front, of our ordinary and casual self, does not of course explain it out of existence. It, too, we sooner or later realize, has its imperious claims, which must be satisfied, or we forfeit its precious reward—life's *summum bonum*—the sense of inner unity, peace, fulfillment, happiness.

What reason is after, then, is the co-ordinating of the many inclinations and ends of our self into a whole—a unity—the giving of due expression to our self's complete and united life, the making of our life *reasonable*, by making all of our self's legitimate tendencies actively take on a social point of view. Reason aims at the complete socialization of the self as the only rational way of living; rational for the individual, because a truly social life on his part brings order and unity to his self, enriching and fulfilling his life, and rational from the viewpoint of society, because through the individual's truly social life, the common good, the common welfare, is attained.

The good that reason dictates is therefore "the activities in

which all men participate so that the powers of each are called out, put to use, and re-inforced".²⁰ And the true end of man "lies in the fullest and freest realization of powers in their appropriate objects. The good consists of friendship, family and political relations, economic utilization of mechanical resources, science, art, in all their complex and variegated forms".²¹ The good is, in brief, the full-orbed life of the self completely socialized.

To act reasonably (and therefore morally) is a large order. It implies profound consideration of the consequences of our acts, both on ourselves and on our neighbors, consequences some of which can while others cannot be foreseen at the moment of action. "Any one", says Aristotle, "can be angry: that is quite easy. Any one can give money away or spend it. But to do these things to the right person—to the right amount, at the right time, with the right aim and in the right manner—that is not what anyone can easily do."²² Thus "a truly moral (or right) act is one which is intelligent in an emphatic and peculiar sense; it is a *reasonable* act. It is not merely one which is thought of, and thought of as good, at the moment of action, but one which will continue to be thought of as good in the most alert and persistent reflection. For by 'reasonable' action we mean such action as recognizes and observes all the necessary conditions; action in which impulse, instinct, inclination, habit, opinion, prejudice (as the case may be) are moderated, guided and determined by considerations which lie outside of and beyond them. Not merely to form ends and select means but to judge the worth of these means and ends by a standard, is, then, the province of reason in morals. Its outcome is moral knowledge; that is judgments of right and wrong, both in general and in the particular and perplexing cases as they arise."²³

Nor is this all. Reason requires that even these moral standards, these moral principles of ours, by which the truly

moral person regulates his conduct, be constantly re-examined in the light of our constantly changing social conditions, in the light of our new ideas of human rights and human personality, in the light of man's ever more sensitive and deepening conscience. Such social standards or principles as justice, benevolence, regard for human life, require constantly to be re-reinterpreted, widened and deepened. Otherwise they become mere stencils of customary or unreflective morality—the morality of the group life. Utter failure to thus re-examine our old standards explains why so many people today, who consider themselves truly moral and who continuously protest their high regard for justice and human life, nevertheless consider war, unscrupulous business competition, economic exploitation of the weak, the tragic inequitableness in the distribution of the social income on the part of our present social order, as intrinsically right and humane. With these people, old social principles and standards have thus taken on an air of stuffiness and stand badly in need of the fresh and enlightening air of social reason.

Furthermore, our reason even refuses to accept as final our so-called moral 'intuitions'—the moral judgments of our conscience. "There is nothing more direct, more seemingly self-evident than inveterate prejudice. When class or vested interest is enlisted in the maintainance of the custom or institution which is expressed in prejudice, the most vicious moral judgments assume the guise of self-conscious sanctity."²⁴ The pervasive glare of reason, then, must constantly be directed even upon the dictates of our sacred conscience, which when looked at from the evolutionary viewpoint is not and cannot be infallible, which, despite Kant's notion that an erring conscience is 'a chimera',²⁵ can and does often badly err. Only a constantly enlightened conscience can help toward an ever more intelligent and more progressive moral life.

This truth applies also to our well-known general rules of

conduct, those maxims and formulae of moral conduct in which mankind has through the ages registered its moral experience, such as the Golden Rule, or Kant's maxim: "So act, as to treat humanity, whether in thine own person or in that of any other, as an end, never as a means merely". These fine moral principles, helpful as they are as guides for moral conduct, do not however exclude the necessity of applying our reason in the determination of the right and wrong of a particular situation, which can only be ascertained by a critical examination of the situation itself in its entirety. These general principles do not tell us exactly what to do in a particular moral situation. The universal adoption of the Golden Rule, could not, for instance, at once settle all industrial disputes and difficulties, for it could not at once tell one just what to do in all the complexities of his relations to others.

The usefulness of the Golden Rule and of similar fine moral formulae does however consist in this—that they furnish us with splendid tools for analyzing a special moral situation. Our general moral rules furnish us with a wide and impartial point of view in a given moral situation. They enable us to consider the bearings of our acts not merely upon ourselves but also upon others. They simplify judgment in moral situations, which, however, in all cases require, in addition, intelligent deliberation.

Another important thing to remember about the significance of the Golden Rule, Kant's moral maxims, and all the other general rules of conduct, is that the great moral principle underlying the moral life in general, is Sympathy. In fact, Sympathy is, as Dewey and Tufts convincingly state, the general moral principle *par excellence*. Sympathy is that very precious capacity in our self which enables us to put ourselves at the public, social point of view. It directs our attention to the social consequences of our conduct, and makes us take into account their effects upon others as well as upon ourselves. It en-

ables us to put ourselves in the place of others. It is that dynamic capacity in our self that enables us to attain universality and objectivity of moral knowledge. It is truly the tool *par excellence* for analyzing and resolving complex moral situations. Sympathy "translates the formal and empty reason of Kant out of its abstract and theoretic character, just as it carries the cold calculations of Utilitarianism into recognition of the common good".²⁶

Indeed, it is only the fact of the perennial indwelling of sympathy in our self that explains why reason's still unfinished and most difficult task of bringing home to the self its rational social doctrine of the ultimate identity of the interests of the individual and of society, was never a hopeless one, despite the impetuous and narrow-visioned manner of the functioning of our inclinations, desires and habits. Without that ever-present and precious court of appeal in that very self of ours, consisting of our native sympathies and affections, reason's stupendous task of socializing the individual were hopeless indeed! It was these very 'cosmic roots' of our moral life, however dormant and submerged, that made it possible for reason in its 'dramatic' functioning to suffuse the varied inclinations of our self—especially our self-regarding inclinations and habits—with the *social* spirit, and to induce the individual to increasingly regulate his conduct in accordance with the social good.

Let us note that when our reason—our capacity for deliberation, for abstraction and generalization—functions in the examination of our ends of conduct, as those ends present themselves in a moral situation, it does not do so mathematically and impersonally. Were it to do so, its counsels, no matter how wise, would have no effect upon our conduct. "The notion" (entertained by the extreme Utilitarians like Bentham), write Dewey and Tufts, "that deliberation upon the various alternatives open to us (in a moral situation) is

simply a cold-blooded setting down of various items to our advantage and various others to our disadvantage (as Robinson Crusoe wrote down in bookkeeping fashion his miseries and blessings), and then striking an algebraic balance, implies something that never did and never could happen."²⁷ Equally contrary to psychologic fact is the impersonal way Kant's 'Practical Reason' was supposed to function, namely, by abstract rational 'maxims', by a mathematical principle of 'contradiction'. Like his 'Good Will', Kant's 'Practical Reason' is a pure abstraction, *a priori*, entirely separated from and independent of all experience. The truth rather is, that "deliberation is a process of active, suppressed rehearsal; of imaginative *dramatic* performance of various deeds carrying to their appropriate issue the various tendencies which we feel stirring within us."²⁸ It "is actually an imaginative rehearsal of various courses of conduct. We give way, *in our mind*, to some impulse. We try, *in our mind*, some plan. Following its career through the various steps, we find ourselves in imagination in the presence of the consequences that would follow; and as we then like and approve, or dislike and disapprove, these consequences, we find the original impulse or plan good or bad. Deliberation is dramatic and active, not mathematical and impersonal; and hence, it has the intuitive, the direct factor in it".²⁹ And it is this intuitive experience which follows upon the heels of our reflection that gives us an immediate emotional appreciation of the value of our contemplated act and causes our volition to bring the desired act to its realization. It is because the process of thinking out the consequences of our contemplated act at once arouses in us a "present sense of peace, of fulfillment, or of dissatisfaction, of incompleteness and irritation",³⁰ that the functioning of our 'practical reason' does not remain purely intellectual, but is capable of motivating us to moral action. In fact, "any actual experience of reflection upon conduct will show that

every foreseen result at once stirs our present affections, our likes and dislikes, our desires, and aversions. There is developed a running commentary which stamps values at once as good and evil".³¹

Keeping in mind therefore the important new element which reason or reflection upon ends of conduct brings into the moral life, we may distinguish the *two kinds of ends*, goods, satisfactions—namely, *those that are aroused by our instinctive and habitual life, and those which reason or reflection calls into play.*

Both of these kinds of ends involve our emotions; both arouse an emotional response. The reasonable ends, too; for otherwise, as we pointed out above, they would not be effectively entertained at all. But not to the same extent, and for obvious reasons. The ends called forth by our instinctive and habitual life are *direct*, immediate; they appeal attractively to our *desire*. Their realization is therefore in the line of least resistance, and therefore easily leads to overt action. The ends called forth by our reason are *indirect*; they appeal to us because of considerations which are remote, which *reflection* brings up. The realization of these ends is not in the line of least resistance. To realize them, a certain way has to be travelled; a way lined with hurdles, which must be jumped—the hurdles of the more urgent, because more immediate, ends of our instinctive and habitual life.

And the *conflict* between these two sorts of ends gives us the fact of Duty.

We have on the one hand our springs of action which are immediately urgent because instinctive or habitual. On the other hand we have the rightful claims of the wider, the reasonable but remote good. In the dutiful situation a conflict between these ends arises in the mind of the conscientious person, and he is confronted with the task of determining his action in the direction of the reasonable good. His task con-

sists of so re-directing the play of his desires as to make the reasonable good the determining desire. His task, in brief, becomes one of acting in conformity with duty.

In duty, therefore, there is the distinctive and inseparable element of *conscious conflict*—the conflict between the ‘law of the mind’ and the ‘law of the members’, between interest and principle, between desire or inclination, and duty. In the dutiful situation the right end stands in opposition to our natural inclinations and habits. The right end stands out as principle or law which we *ought* to follow, but which we can follow only as a result of an effort, as a result of the constraining of our natural, immediate inclinations.

This inseparable conflict-element so emphatic in the Jewish idea of duty, and represented there as the conflict between the Good-and Evil Inclination of man’s nature, we will have occasion to observe in our study of the *Yezer* (Chapter IV).

Duty, let us state by the way, is of course also used loosely to describe actions in which the element of conflict or restraint is absent; in other words, the performing of a moral act irrespective of the state of the agent’s inclinations before performing it. The right act happens to be in line with the agent’s natural desire—as in the dutiful acts of a father to a child, etc. He performs it naturally without stress or strain, due to the fact that that particular right action appeals to him. Duty in this instance, however, only means that the act performed was the fit and proper act called forth by dint of the particular social relations of the agent. It is not duty in the fundamental sense of the term.

Now in this conflict between duty and inclination, it must be remembered, duty does not always lie on the side of those of our tendencies that are developed by reflection, on the side of those refined and higher purposes and goods developed by thought. To understand correctly the fact of duty, we must remember that duty is often found on our organic and

impulsive side. For the student, for instance, so absorbed in his intellectual labors as to neglect his proper bodily needs, duty no doubt lies on the organic side. For the social reformer absorbed in his labors for humanity to the point of neglecting his personal welfare and that of his family, duty no doubt lies on the side of his self-regarding, 'selfish', interests. The correct explanation of the fact of duty must therefore cover both these classes of situations. And the one element common to both is, that inclination—that tendency *away* from duty—in both these situations lies on the side of the *habitual*, on the side of those tendencies in our self that have become organized as habits. Duty, on the other hand, resides on the side of the self that has not as yet become organized into habit.

A habit is something that is set, organized, easy, something that is in the line of least resistance, something that has become an active tendency in the self and the exercise of which is therefore immediately pleasurable. Habit possesses inertia—reluctance to change, and momentum—a lively urge to respond to that activity which has become easy and pleasurable. This description includes appetites and instincts, which may also be looked upon as habits—racial habits, established in the evolutionary history of the race—as well as our reflective habits, which have been acquired by the individual through training. The latter no less than the former are easy and urgent, for they too have become active tendencies in the self, and like the former also possess inertia and momentum.

When therefore a moral situation arises which requires of us to go against these active inclinations of ours, against these racial and acquired habits, against our habituated self, we naturally experience aversion, resistance. We then experience the conflict of duty. "A self without habits, one loose and fluid, in which change in one direction is just as easy as in another, would not have the sense of duty. A self with no

possibilities, rigidly set in conditions and perfectly accommodated to them, would not have it."³² It is, then, only a self that is possessed of habitual tendencies which by their very nature strongly incline it to act in certain definite ways, and in which same self there occur at the same time other tendencies which are incompatible with them, tendencies moreover which have not as yet become organized into habits but which in our judgment represent the self more adequately, more completely, more truly, more reasonably—only that sort of a self gives us the consciousness, the constraint of duty.

Looking now at duty from the social viewpoint, we find it arising from the fact that we are social beings, living in a complex social network and having therefore numerous social relationships, definite and endless relations to others—those of parent, husband, citizen, doctor, judge, etc. It is these inevitable social relations which we have toward others that make definite and inescapable demands upon us, which we cannot evade, which impose upon us certain duties which we have to fulfill whether we like it or not, whether our desires and inclinations tend that way or not. The fulfilling of these social demands made upon us by virtue of our general relationship to others, to society, we say is our duty. It is, in Kant's famous terminology, a 'Categorical Imperative'. Whatever our immediate inclinations, it has the right of way. And it ought to have the right of way, not only because society demands it, but also because in our thus acting in the line of duty we find a more reasonable, a more 'universal', more final expression of our own nature than by following the urge of our more intense, more immediate, unreasoning inclinations or habits. "From this point of view the conflict of desire and duty, of interest and principle, expresses itself as a conflict between tendencies which have got organized into one's *fixed character* and which therefore appeal to him just as he is; and those tendencies which relate to the development of a

larger self, a self which should take fuller account of social relations."³³

Keeping in mind the above analysis of the self, we find that *our consciousness of duty grows out of the complex character of the self*; it grows out of the fact that at any given time we have in our self both those tendencies that have already become set, established, organized into fixed habits and which make up our relatively formed character, and those tendencies which have not as yet become established into fixed habits, which have not as yet become ingrained into and permanently fused with our character but which are there nevertheless in the process of crystallizing. The latter tendencies are those that look toward the future, that are directed to our unachieved moral possibilities, and that comprise the unrealized or ideal possibilities of our character. "Duty is what is owed by a partial isolated self embodied in established, facile and urgent tendencies to that ideal self which is presented in aspirations, which, since they are not yet formed into habits, have no organized hold upon the self and which can get organized into habitual tendencies and interests only by a more or less painful and difficult reconstruction of the habitual self."³⁴

This moral reconstruction of our self is effected by our conscious recognition of the worthiness of the aspirations of our ideal self and by the conscious directing of all our native sympathetic affections and our already formed moral sentiments. Our ideal yet unorganized self presents us with the new moral possibilities. To reach them we call into play our already formed character, all our past achievements in the controlling of our actions by the idea of the good and the right. This new insight into a higher duty and this calling in of the aid of our already organized character give us the power, the momentum, to perform the new and more difficult duty when it presents itself to us. And as we progress in our

moral life we incorporate more and more segments of our aspiring self into our habitual moral behavior, whereupon we are prepared to conquer still greater worlds of duty.

We find therefore that the conflict of duty and desire is but the accompaniment of a *growing* self. As the self expands in ends, in possibilities, in aspirations, tension arises between what is already accomplished and what is still possible. When our reach exceeds our grasp, conflict within the self is inevitable, and makes for a re-adjustment, a re-direction of our powers. "The phenomena of duty in all their forms are thus phenomena attendant upon the expansion of ends and the reconstruction of character."³⁵

The strong point in the Kantian theory of duty is its insistence upon the *autonomous* character of duty, viz., that duty is organically connected with the self in some of its phases or functions; that the essence of duty is found in the fact that it derives from one's own will, that it is imposed by man upon himself and not by some external power or law; that duty is man's *own* law, as the term autonomy literally signifies. Man's conduct becomes moral only when he learns to see in the commands of morality not an external, foreign compulsion, but rather that self-constraint deriving from his own will, his own spiritual nature, his own character, wherein is his true freedom. Through this classical conception of duty man's moral life attains a state of true dignity and freedom.

That this indispensable autonomous element in duty is inherent in the Jewish idea of duty, despite many appearances to the contrary, will become evident, we believe, in our discussion of the Rational and Traditional Commandments (Chapter III).

The weakness in Kant's conception of duty lies in his placing the source of duty in a rational self that is independent of and above the self of inclination and affection, and in his consequent setting up of a complete and artificial separation

between the self of inclination and the self of reason. In accordance with the Kantian psychology, (this is equally true of the hedonistic psychology), all of our desires and inclinations which are supposed to comprise our sensuous, appetitive nature consciously seek only for our private personal good or happiness. The motive of our desires and inclinations therefore cannot motivate us to truly moral action, to action done '*from duty*'. At best they can motivate us to action '*in accordance with duty*', that is only to such acts as are outwardly good but intrinsically are not so at all, inasmuch as they are thought to be actuated only by motives of selfish calculation of personal gain. They derive not from duty but from expediency. A truly moral act must therefore, according to Kant, be done from a conscious recognition of the authority of duty as its animating spring. Duty must thus arise from an entirely different source, from a source absolutely independent of and above our affections, desires and inclinations. It must spring from Reason itself. Only Reason furnishes us with the consciousness of a law that must be the motive of every truly moral act; and imposes upon us the obligation of acting from respect or reverence of the law of duty. Even should a person perform an act which is good and which is sincerely good, if he was not, before performing it, conscious of the fact that he was doing it from duty, it is not considered a truly moral act. Any affection motivating toward a good act, before it may be accepted as a truly moral motive, must first be stamped, according to Kant, with the acknowledgment of the law of duty.

This unnecessary rigorousness of Kant's conception of duty inevitably brings to mind Schiller's well-known verses caricaturing Kant's theory of duty. They represent a perplexed disciple coming to Kant to complain over the fact that when helping his friends he unfortunately does so with affection, and hence is in great doubt whether he has really attained

virtue. To which Kant is made to reply: "This is your only resource, You must stubbornly seek to abhor them; Then you can do with disgust that which the law may enjoin!" And caricature though this is, it nevertheless brings out the absurdity in Kant's insistence that our affections and inclinations may not of themselves be morally adequate springs to moral action; as if a person cannot do a kind deed to a friend out of the natural and spontaneous promptings of his normally functioning character.

This formal and pedantic view of morality is of course due, as was stated above, to Kant's disparagement of the human affections. Now, desire as it first presents itself may and does very often lead to morally inadequate ends, but that does not mean that all desires, all our natural affections cannot be trusted to lead us to act morally. Nor does it imply that any end which our natural desires present to us must, in order that it become right, first be brought under a conscious acknowledgment of an abstract law of duty. "The facts seem to be that while in a good man *natural impulses and formed habits* are adequate motive powers under *ordinary conditions*, there are times when an end, somewhat weak in its motive force, because it does not express an *habitual dominant power of the self*, needs to be reinforced by associations which have gathered at all periods of his past around the experience of good."³⁹ We ordinarily act morally not because we constantly subject our moral acts to an abstract law of duty, but rather, as Thilly well remarks, because we "are trained to righteousness, and then act from force of habit." Our ordinary every day moral conduct results from the fact that our natural impulses have been fused into a working unity with a regard for right ends and purposes which have become organized into our character, which *is* our character, our habitual disposition, wherefrom it flows naturally and normally. It is only, as was pointed out above, in those rare moments

when our self is presented with a moral situation which makes a call upon that growing, aspiring but as yet unhabituated phase of our self and meets with opposition from the habitual self of ours, that the conflict of duty takes place in us. If that were an every minute occurrence in our self, life would indeed become unbearable. No, "the sense of duty does not play the role in life which moralists of Kant's pietistic training assigned to it. Life is not a continuous conflict between our inclinations, desires, or impulses, and the sense of duty. If it were so, it would soon consume itself. Men do not do everything from a sense of duty, or because they feel that they *must*. Men are trained to righteousness, and then act from force of habit. Where the training is complete, character is formed and acts follow from character. The conflicts which Kant regards as forming the very essence of character are rare in a healthy moral life. A good man does not have to call out the inner police force everytime he acts. An appeal to authority is not always necessary in his case. The 'Thou shalt' is superseded by the 'I will', and the rule of law gives way to the rule of love."³⁷ In his seeking for the source of duty in an abstract rational self which is supposed to be independent of and above the self of inclination and affection, instead of in character, Kant deprives our habitual desires and affections, which make up our character and which distinguish one character from another, of all moral significance.

Another objection to Kant's conception of duty is found in his one-sided emphasis on the motive of the dutiful act, to which we have alluded above. The motive, in accordance with his hedonistic psychology, must spring from some abstract, supersensuous Reason. This Reason gives us no specific commands to do this or that particular right thing, but imperiously declares only the abstract injunction, "Do your duty!" This conception of duty attaches no importance to the social ends or consequences of our acts, which ends, ac-

cording to Kant, spring from desire and inclination, and are therefore in themselves empty of any moral content. But such an isolated conception of duty as the only true motive of moral action, isolated from and independent of considerations of the social consequences of the dutiful act, very often leads to such expressions of duty and forms of conduct as are socially harmful. It makes for a stupid and unhealthy idealization of authority. And it also paves the way for that mischievous phenomenon, the moral fanatic—the puritanic, unreasoning man of ‘principle’, the blind devotee of narrow and one-sided ‘causes’, who refuses to be enlightened on the wider and often evil social consequences of that course of action upon which he has fanatically set about ‘from a sense of duty’. History reeks with the evil influences of these moral fanatics. They are responsible for much of the past and present persecution, intolerance and blind opposition to all the finer manifestations of civilized life—art, culture, social amenities, healthful pleasures, all of which make life interesting and worth while. Such a fanatic sense of duty needs a social and rational fumigation. It needs to be socially enlightened, needs to be re-constructed from the viewpoint of the larger social ends and purposes of a well-rounded civilized life. Only then can duty serve the interests of social good and social progress.

Doing one’s duty for duty’s sake is indeed a sound principle, if we take it to mean the performing of “an act for the act’s sake; the gift of cold water, the word of encouragement . . . because they are the things really called for at a given time and hence their own excuse for being.”³⁸ According to Kant, however, the performing of duty for duty’s sake does not mean the performing of the act for its own sake, but rather for the sake of abstract principle. But “*no moral act is a means to anything beyond itself—not even to morality.*”³⁹ Just as the hedonist theory is wrong, a theory that

looks upon every one of our acts as a means to pleasure or happiness, so is the Kantian theory, which would have every act a means to virtue rather than as an end in itself. To think of Duty in the abstract rather than thinking of specific right acts to be done, is a good way of not doing right acts at all. "As there is a 'hedonistic paradox', namely, that the way to get happiness is to forget it, to devote ourselves to things and persons about us; so there is a moralistic paradox, that the way to get goodness is to cease to think of it—as something separate—and to devote ourselves to the realization of the full value of the practical situations in which we find ourselves".⁴⁰ The other objection, then, to the Kantian theory of duty is, that by its complete separation of the motive and end of duty (which correctly understood is but the inner and outer or overt phases of the same moral act and are therefore to be looked upon as integral parts of every moral action), it artificially separates duty from goodness and makes for an unenlightened performance of duty. It "makes moral principle a remote abstraction instead of the vivifying soul of a concrete deed."⁴¹

The duty-for-duty's-sake principle in the Jewish idea of duty, embodied in the distinctively Jewish concept of '*le-shemah*' ('for its own sake') or '*le-shem Shamaim*' ('for the sake of Heaven or God'), will be discussed in our chapter on the motive behind the Jewish idea of duty (Chapter V). In the same chapter we will also have the occasion to note, especially in our discussion of the motive of love, that these very much desired elements in duty—the complete union of the motive and end of duty, the identification of duty and goodness, the 'concreteness' of the dutiful act, the insistence on the 'vivifying soul of a concrete deed', the emphatic insistence on the social content of duty (See Chapter VII)—are all inherent in the Jewish concept of duty.

The Utilitarian school furnishes us with a salutary sup-

plement to Kant's formal and abstract conception of duty. It does so by dwelling on the social origin and content of the consciousness of duty. Bain, for instance, in his *Emotions and Will*, dwells on the origination and development of the sense of duty in the training and disciplining of the child during his years of immaturity; while Bentham (*Principles of Morals and Legislation*), Mill (*Utilitarianism*), and Spencer (*Principles of Ethics*) dwell on the social constraints that go into the formation of our sense of duty which are embodied in our social institutions—government, law, custom and public opinion. There is no doubt that our sense of duty was not born full-blown out of the void, or out of an abstract Reason, but is the result of a long process of social evolution (which fact was particularly brought out by Spencer), and that it emerged into the period of individual reflective morality only after the individual freed himself from group life and its group morality. This emergence was, to be sure, the result of a long period of development, toward which many powerful social factors and influences contributed their share. This, indeed, is the strong point in the Utilitarian conception of duty, namely, its emphasis on the very large role played by social institutions in bringing home to the individual the realization that certain things and acts have to be performed by him whether he likes it or not, whether they are or are not in line with his immediate desires and inclinations. The false note in the Utilitarian conception of duty, however, is its exclusive emphasis on coercion as the only cause of duty. This false note runs through all the various shades of Utilitarianism, not only in Bentham, who dislikes the very word duty, and substitutes for it the term 'sanctions'—the political, popular, and religious 'sanctions'—that are supposed by themselves to *make* the individual find his own good in the good of the community, but also in later Utilitarianism, despite its stressing of the part played by the 'internal sanctions' in

giving rise to duty in its later and developed stages. The Utilitarians, in short, conceive of duty as something external, as something forced upon the individual from without, by the social institutions, demands and regulations operating upon him, which by some unexplained miracle convert the individual's fear of punishment and love of pleasure into the universally revered moral sense of duty. This false note is due of course to the false psychology which is at the bottom of both the Kantian and Utilitarian ethics. Both labor under the false assumption that the individual started with mere love of private pleasure, and that the only way he ever arrived at the stage of considering the good of others was through the others forcing upon him the recognition of their welfare. The truth, however, is that "the requirements, encouragements and approbation of others react not primarily upon the pleasures and calculations of the individual but upon his activities, upon his inclinations, desires, habits."⁴² The various social influences emphasized by the Utilitarians have indeed had a powerful educative influence on the individual's moral life. "But their educative influence is as far from the mere association of pleasure and pain as it is from Kant's purely abstract law. Social influences enable an individual to realize the weight and *import of the socially available and helpful manifestations of the tendencies of his own nature and to discriminate them from those which are socially harmful or useless*. When the two conflict, the perception of the former is the recognition of duties as distinct from *mere inclinations*."⁴³ And this recognition of duty in so far as it operates as an effective motive toward the performance of the dutiful act in question, operates most effectively, not, as Kant would have it, "as an interest in duty or law in the abstract, but as an interest in progress in the face of the obstacles found within character itself."⁴⁴

These obstacles in our character, let it be emphasized by

the way, will forever continue to assert themselves. Spencer's utopian conception of the goal of evolution when the conflict of our organic needs and our social environment, which give rise to coercion and duty, will cease and there will consequently be no room left for obligation or duty, assumes a self that is exhausted and dead. As his character, mind and social life develop, man will learn to perceive larger and wider duties, for the performance of which he will again have to call to his aid the socially available powers within himself that have already become organized into his character, in order to surmount the ever-asserting obstacles within his character. Again and again will he be called upon to perform the difficult task of integrating and habituating those new duties into his already formed character. Progress toward duty must therefore be endless. Only the ultimate limitations of man's mind and character can set bounds to the endless progress of duty.⁴⁵

It goes without saying that after the Utilitarian schools have done their important work in tracing the development of conscience, they have not at all thereby annihilated it. This is implied in the writings of the later Utilitarians themselves. Bentham's inadequate external 'sanctions' were transformed by later Utilitarians into 'internal sanctions'. The latter could not help seeing and admitting that while the sense of duty in its earlier evolutionary phases admittedly consisted mostly of mere fear and external social compulsion, it bloomed forth in time into something independent of and superior to them. As they themselves put it, conscience was in time transformed into an inner "ideal resemblance of public authority", into "an imitation (or facsimile) within ourselves of the government without us", when, as Bain describes its final development, "regard is now had to the intent and meaning of the law and not to the mere fact of its being prescribed by some power." This conception of the *final* sense of obligation, by

the way, approximates at least in its effects Kant's conception of the autonomous character of duty. Our conscience—the source of duty—truly appears to be, after all that has been said by our Utilitarians toward its negation, just as ultimate, as real and significant a phenomenon in human character as the most extreme intuitionist moralist ever conceived it to be. In fact, on the old common sense truism that something cannot come out of nothing, we must logically conclude that this glorious final development of conscience must have had its basis in human nature from its very beginning. Only out of those precious social sympathies and affections of our much depreciated self could it originate and develop (aided, to be sure, by the social influences to which the Utilitarians properly called attention) into its glorious final stature, when it could enable man to perform duty for duty's sake, even at the high price of martyrdom.

In truth, as the origin of life can only be intelligently comprehended by positing a 'biopsychical' basis to 'matter', so can the origin of conscience be intelligently explained only by positing its existence *in potentia* in the native social-moral element of the original self, which latter must however be conceived of as being something more subtle and more noble than our hedonistic Utilitarians have imagined it to be. What Sir Arthur Thompson says in his recent book, *Riddles of Science*, apropos of the problem of the origin of life, may apply with equal effect to the origin of conscience, the moral consciousness or the sense of duty. Sir Thompson says in effect, that if the first living organisms actually emerged from the non-living, then the non-living is a subtler thing than our forefathers supposed, and every one knows that the old idea of the deadness of non-living matter has gone by the board. He suggests that life may have had its origin in a synthesis of 'units of consciousness' with units of matter. "It is the very essence of evolution", he writes, "to be integrative, to

build up higher and higher wholes, and as General Smuts puts it: 'Matter, Life and Mind, so far from being discontinuous and disparate, appear as a more or less progressive series of the same Great Process'. Perhaps we make the unsolved problem of the Origin of Life more difficult than it really is by forgetting that it must have been not merely a biochemical but a biopsychical synthesis." How apposite this logic to the problem of the origin of conscience!

And evaluating the phenomenon of conscience correctly—not by its ebb but by its flood-tide, rather by its later and higher manifestations than by its crude beginnings, in the same way as, following Aristotle, we must correctly evaluate the true nature of any phenomenon—it indeed follows that we can still look upon 'the moral law within' with the same reverential awe as did Kant in his famous words: "Two things fill the mind with new and increasing admiration and awe, the oftener and more steadily we reflect on them: the starry heavens above and the moral law within."⁴⁶

Furthermore, when reflecting upon its sublime manifestations in the history of mankind, we may still regard conscience not only as that precious something which gives supreme and ultimate dignity to human nature and life, but also as that golden thread that, in accordance with the religious doctrine so immortally taught by the Prophets of Israel, unites the human with the divine and affords man the supreme intimation of the reality of the divine in human nature and in the universe.

A similar significance may be found in the intimate and ultimate relationship between conscience, duty, virtue or goodness, and happiness.

Now happiness is a quality of mind that is a by-product. It is not, as the Hedonist would have it, something that we consciously and directly aim at in all our actions. Directly, as was said above, we aim after objects that will satisfy our

instincts and wants—food, shelter, comfort, friendship, family and political relations—and the numerous goods represented by science and art. The expression of the powers of our self in the reaching out after these desired objects, is accompanied by, or results in, a sense of fulfillment, completion, or happiness. Our final sense of happiness mostly depends on what our dominant desire in life is. If our dominant life's desire is fame, power or affluence, our sense of happiness will be dependent upon, will be increased or diminished by, our success or failure in the realization of those dominant desires.

There are therefore different kinds of happiness. There is a distinct kind of happiness which we may term *moral happiness*. It is that particular kind of happiness, which is the inevitable accompaniment and the result of our having organized the many tendencies of our self into a dominant tendency centered about the idea of promoting those things in life that make life worth living for ourselves and for others—the idea of promoting noble ends among men. This being the good man's supreme interest, his active exercise in the promotion of those supreme ends brings him supreme and final happiness. It is the kind of happiness which the man of virtue prefers above all others, and "it is not preferred because it is the greater happiness, but in being preferred as expressing the only kind of self which the agent fundamentally wishes himself to be, it constitutes a kind of happiness with which others cannot be compared. It is unique and invaluable."⁴⁷

Again, it is a happiness that is not at the mercy of circumstances. It is unmoved by ill fortune of whatever sort. It remains unshaken to the last moment of one's life, even when it becomes necessary to make the supreme sacrifice in behalf of a cause that is wholeheartedly cherished by the man of virtue.

If we, then, take the good man's happiness to mean this

final invaluable thing, this enduring sense of peace and elation resulting from a wholehearted devotion to duty, the old antithesis between virtue and happiness vanishes. We then find that virtue does produce happiness—its own happiness, a happiness that is invaluable, final, unique, which no external circumstances may annihilate.

Virtue and happiness are only irreconcilable, as Dewey and Tufts explain,⁴⁸ when we assume a ready-made self and a ready-made type of happiness. On this assumption we proceed to observe, on the one hand, the prosperity and good fortune of unconscionable people, much of which seems to be the direct result of their unconscionable conduct and utter disregard of the public good. On the other hand we note the ill fortune and suffering of people devoted to noble ends, whose suffering is very often due to their very devotion to those noble ends. The conclusion is therefore reached that the unconscionable person is happy and the virtuous one is unhappy. Hence happiness is not the reward of virtue, and there is no justice in the world, not in this life anyway. The traditional theologian, as is well known, reconciles this condition with his faith in the existence of a just God by the assumption of the existence of another world, where virtue largely unrewarded in this world will find its due reward in bliss in a hereafter.

From the foregoing, however, it is apparent that this line of reasoning is superficial, and above all fails to solve the problem of the proper reconciliation of virtue and happiness, at least in this world. In fact, on this line of reasoning this problem must remain insoluble. There cannot be an equating of virtue and happiness, unless we mean by happiness that specific kind of moral happiness which we described above. Virtue cannot be reconciled with *any* kind of happiness, as for instance with the 'happiness' derived by an individual as a result of his having succeeded in his dominant desire of obtain-

ing wealth or power or fame regardless of the moral uses those acquisitions are put to. The very fact that so much ingenuity has been spent from time immemorial on such an attempted reconciliation, with the inevitable hauling in of the other world to make such a reconciliation plausible, proves the impossibility of the task. The classical statement of this irreconcilability was long ago made by the author of the immortal Book of Job.⁴⁹ Job was an exemplar *par excellence* of the true man of virtue,⁵⁰ his friends' sophistry to the contrary notwithstanding. Yet it was his inexplicable lot to suffer so many of the tragic ills of life, while, at the same time, he witnessed so many notoriously evil people of his day enjoying wealth, power, health—all the good things of the earth. Job's reward for his life of virtue was apparently not that sort of 'happiness' enjoyed by these men of the world. Job's happiness was of an entirely different sort—that very moral happiness we spoke of above, which even his ill fortunes could not take away from him, namely, his certainty of his abiding at-oneness with God and his conscience.⁵¹ The only thing that did for a time mar his soul's peace was the fact that his friends questioned his integrity, because they assumed, in accordance with the orthodox belief of those times, that Job's misfortunes came upon him as divine punishment for some secret sins of his. And that only blot upon his moral happiness was removed when his integrity was finally vindicated by God's appearance on the scene, protesting Job's exemplary virtue and berating Job's friends for their rash impugning of Job's integrity.⁵²

There is thus no ready-made self, and no ready-made happiness. There is the self of the 'man of the world', and there is the self of the man of the 'world of men'—of the men of integrity and idealism. Each sort of self has its own dominant desire, and in realizing that dominant passion one achieves that sort of happiness that belongs to it. The truly moral

man's conviction, confirmed both by the lives of men and women of social renown of all ages as well as by countless so-called 'obscure' individuals of integrity and idealism, is that the happiness that is his as a result of his life of virtue is the real and enduring happiness, for it is not subject to the fate of circumstance. When the man of power forfeits his power, or the man of wealth his affluence, or the man of fame his renown, his happiness is gone with it. Not so the happiness of the man whose dominant passion in life is the promotion of noble ends. As the noble man's happiness is not a prize gained from the stakes of fortune or one wrested from the hands of the 'men of the world', his happiness cannot be taken from him by their agency. They cannot lay hands on his happiness, for his happiness springs from within, from the deep and rich wells of his virtuous self which fate and the world of men can neither dry up nor even approach.⁵³

This indeed is the high function of morality—not the impossible task of mathematically equating duty and happiness. There would be no point at all to the moral life even if this were possible. If 'happiness' in the non-moral sense of the term were to be guaranteed to the prospective doer of virtue, where would be that indispensable thing which gives point to virtue, namely, the disregard of the goods of the world when a moral situation presents itself? The point in the truly moral life from the inner point of view, is that it is an adventure in faith—in the life of the spirit. It joins forces with the interests of the spirit and its indefinable satisfactions irrespective of the usual worldly considerations. The true function of morality is to inspire the individual to make this moral adventure and to seek therein its particular kind of moral happiness. The moral life must stand on its own legs, must not seek for support in another world. (This, needless to state, does not imply any argument against the idea of or faith in immortality.) It must prove its worth and its re-

sultant happiness in this world, but in that particular world of the moral life. In that moral life, constantly beckoning with its ever-widening horizons of greater duties still unattained, the spiritually adventurous individual will seek and find that true happiness belonging to it. Therein he will find, in the words of Spinoza, that happiness is not merely the reward of virtue but is virtue itself.⁵⁴ Indeed, this kind of moral happiness Kant himself needn't have divorced from virtue, for that sort of happiness is not the end of 'desire', as are, for instance, mere success and achievement. That type of happiness may truly be said to be the end of virtue.

Now, the notion of duty, with its central idea of contrast between the immediate inclinations of the individual and some objective and authoritative standard to which these inclinations must be subordinated, and with its emphasis on this objective control of conduct, is implied, as has been remarked,⁵⁵ in every system of morality and every ethical theory.

Of the two types of moral theory, the teleological (*télos*, end), which, like the Greek theory of ethics, is concerned principally with *ends*, and the jural (*jus*, law), which, like the Hebrew, is concerned mostly with Right, Duty, imperatives, commands, 'laws', the latter naturally makes the idea of duty more outstanding and fundamental. This fundamental duty-character of Jewish ethics will be discussed in detail in our sixth chapter.

The fundamental idea in Greek ethics is Value or Good, in Hebrew ethics, it is Right or Duty. Either one of these two types of ethical theory does not of course exclude the central idea emphasized by the other. Starting with the Good as the central idea, laws and rules perform the function of defining and achieving the good. Starting with law as the central idea, the good is found in acts which conform to its obligations or commands.

Greek ethics conceives of the moral life as an end, a good,

a moral happiness to be realized, as a type of virtue or excellence to be attained. The individual's good or true happiness lies in the life of virtue. Man's wisdom consists in seeing in the life of virtue his real good or happiness. And it is in order to attain his real good or happiness that he must practise the restraints of virtue. Man can only attain his happiness by becoming master of himself, as a result of the regulating of his conduct by the principles of Measure, Order, Proportion. These are the fundamental notes in Greek life, and are summed up in Plato's conception of 'Justice', in Aristotle's famous doctrine of the 'Mean', and in the Stoic maxim of 'Life According to Nature or Reason'. The great Greek virtues of temperance, courage, justice and wisdom, by which the individual must control his inclinations and life in order that he may attain to a truly human life, are the indispensable means for the attainment of his highest good or happiness. It is, in other words, a duty which he owes to himself, to his own highest good and true happiness. We find therefore that in the Greek conception of ethics the "element of duty was absorbed into, and subordinated to, the thought of good or achievement. A man must be courageous, temperate and just, because in no other way can he achieve his good or true happiness."⁵⁶

It is only in the later Stoic phase of Greek ethics, as Barker points out, that the notion of duty emerges into prominence, because with the Stoics morality or the good came to be regarded as conformity to a Natural Law of Reason. This natural law of reason determines man's good. To attain his good, man must, therefore, obey this cosmic law of Universal Reason. This Law or Reason of the Universe prescribes for man his place in and his duties pertaining to his place in the universe. It behooves man therefore to discover by his own reason, which is, by the way, part of the Universal Reason, his true place in the universe, and to ascertain his

duties defined for him by this Universal Reason. Virtue is therefore attained by man's recognition of the Law of Nature and by his conscious living in accordance with Nature or the Immanent Reason of the Universe. That is man's supreme duty.⁵⁷ As in the earlier Greek ethics, virtue with the Stoics is still identified with the good. This virtuous conduct, in accordance with the Stoic Law of Nature or Reason of the Universe, will make for man's true good or happiness. Let us note, however, that in spite of the introduction by the Stoics of this new element in the life of virtue, namely, conformity with natural law, the Stoics did not relinquish because of it that indispensable element in the moral life, its autonomy. With the Stoics the autonomous element in the moral life consists in the fact that when living in conformity with the Universal Reason, man also lives in conformity with his own reason of which it is a part. This truth, in fact, man's own reason revealed to him, and thus the virtuous man voluntarily identifies himself with this natural Law of Reason.

When we come to Revealed Religion we find that, as in Stoicism, Morality is also represented as obedience to a law—in its case it is the revealed law of God or His revealed commandments. This revealed moral law, however, has its basis in reason. This idea though rarely expressed is nevertheless always assumed, at least in the case of the enlightened expressions of Revealed Religion. That it is so in Judaism, we shall have occasion to observe in our third chapter and elsewhere in this work. The significant contribution, therefore, that Revealed Religion makes toward the moral law consists in the special sanction that it gives to it—its religious authority. We have, then, in all revealed religions, including, among others, both Judaism and Christianity, the new emphasis on the *authoritarian* aspect of duty. Duty is clothed more distinctively than in Stoicism with special *authority*—divine authority. Hence, obedience largely assumes in all

revealed religions the character of a distinct virtue. The virtue in this obedience may be said to be involved in the religious man's conception of God as being the Ideal of Virtue or Goodness. This explains the religious man's faith in the Goodness of the ultimate purposes of God, though these are hidden from him and though the realization of these ultimate and hidden divine purposes entail man's suffering. God, in brief, so runs the religious man's reasoning, commanded the moral law because He is good, and because the moral law is good and is intended by God for man's good. For all these reasons, obedience to the moral law is no less than a religious duty. Herein lies the significant moral usefulness in the religious sanction for morality. Man is in duty bound to obey the moral law even when he sometimes fails to see how his own happiness is involved in its operation. Obedience to the moral law, independent of and even in disregard of his own happiness, becomes with the truly religious person an adventure of faith—faith in the goodness of God's ultimate cosmic purposes, in the ultimate good of "that far-off divine event toward which all creation moves". The religious sanction in its highest expression gives man ends of duty beyond his individual happiness, beyond his corporate happiness—ends beyond the farthest vista of man.

Thus while in Stoicism virtue or duty is identified with man's good or happiness, in religion (and this is true both of revealed religion and otherwise), virtue and happiness are not so closely identified. Man's happiness, to be sure, is somehow dependent upon and is involved in a life of virtue and duty, but is not identical with it. Man's welfare or happiness is indeed the divine seal or reward of obedience to God's law, but is not the ultimate reference of the moral life. The ultimate reference is unknown to man, it is beyond man's happiness. It is involved in God's ultimate and unrevealed purposes, and as such, God's moral law as revealed

to man must be obeyed whether or not man can perceive his immediate or even ultimate happiness therein. It is a supreme act of faith, the religious man's faith in the ultimate reasonableness and justice of God. God having commanded the moral law, obedience to it must somehow make for man's good. Man's duty, therefore, lies in his obedience to it and in his seeking therein his real good.

This authoritarian aspect of the moral law in revealed religion, it is needless to state, does not make the moral law, as is often alleged, at least in the case of the enlightened and conscientious religionist, something foreign, external and arbitrary. Just as the Stoics arrived at their belief that man's reason is but part of the Universal Reason; just as they concluded that man's own reason enabled him to discover the Moral Law of Nature or the Universal Reason, which in turn led them to counsel man to consciously identify himself with it and to seek his freedom therein, so did the religious thinkers of many enlightened Faiths arrive at the same attitude on the intimate and personal relationship of the moral law to man's own nature or reason. When revealed religion became completely moralized and individualized, as in the case of Judaism with the advent of the Great Prophets; when God was conceived in terms of absolute Righteousness, and man was recognized as having been created in the image of that Righteousness, evincing through his own moral life his kinship to God, God's moral law as revealed in the divine moral code was accordingly identified with the moral law of man's own individual conscience—of man's own reason, of man's own highest self. God who created man in His own image and thus implanted in man a conscience or reason, endowed man with the power to recognize God's revealed moral law as the law of man's own reason or conscience. The value of the revealed moral law was then perceived to lie in its affirmation of the moral law in man's reason. When religion ad-

vanced to this high stage of identifying God's moral law with the law of man's individual conscience (and it matters not whether the divine law was embodied in a Code, or, as in the case of Jeremiah and the other Great Prophets of Israel, in man's 'inward parts' or conscience), religious morality then entered the autonomous stage. God's moral law may be, and in the case of traditional Judaism is, preceptive—embodied in codes, that contain precepts, imperatives, commandments and statutes. But these moral precepts are not arbitrary or external, that is, are not laws imposed upon man from without. For, man has recognized in them the commands not only of God but of his own conscience, with which he has consciously and voluntarily identified himself. His moral life, then, though grounded in religion—in obedience to Divine Law—has nevertheless attained autonomy. The religious man's sense of duty, though grounded in religion, nevertheless preserves its indispensable autonomy. Moreover, the sublime divine authoritativeness of Religion now exalts the truly conscientious religious man's sense of duty to those moral heights that beckon it toward such an exalted moral life as reaches out even beyond man's individual happiness. The religious man's sense of duty now becomes a truly prophetic Call, inspiring him, nay, commanding him, to such deeds of heroism and self-sacrifice as entail at times even his self-destruction. Duty now points to obligations that lie beyond man's ken and visible good, but which, he—man, formed in the image of God—must nevertheless aspire to perform!

Of this highest development of the sense of duty in Jewish ethics, we will have occasion to learn below (Chapter V), in the Rabbis' celebrated doctrine of *Kiddush ha-Shem* (the Sanctification of the Name).

CHAPTER II

OUR PRINCIPAL HEBREW TERM FOR DUTY — MIZWAH

"One mizwah (duty or meritorious act) leads to another, and one transgression brings another in its train." (Abot IV. 2.)

SYNOPSIS—No term in the Hebrew Bible to exactly match our abstract ethical term 'duty', to be explained by the fact that the Biblical and later Jewish idea of duty is, not abstract, possessing as it does extra-ethical, i.e., religious, implications; the Jewish idea of duty perfectly embodied in the later Biblical term *Mizwah*—divine 'commandment': moral duty divinely ordained or-sanctioned; an hypothetical historic basis for the identification of *Mizwah* with moral duty in the Bible, in the seemingly well-founded hypothesis that the *Mizwot* denoted originally the ethical 'laws' formulated by the Deuteronomist law-givers in the spirit of the eighth and seventh century Prophets and incorporated by them in the Deuteronomic Code; a confirmation of this hypothesis seen in the retention of this probably original moral meaning of *Mizwah* in later Jewish, i.e., Talmudic literature, where *Mizwah*, in addition to its very general meaning, denoting all the 613 traditional laws of the Torah without any distinction between them, also stands for those specifically 'meritorious' or moral acts that are not 'legally' obligatory, but are done out of the motivation of one's conscience, from one's high sense of duty; the late Hebrew term *hobah* ('debt', 'obligation'), though literally the perfect analogue for our abstract term duty in general ethics, did not, in Talmudic literature, displace *Mizwah* as the term for moral duty, but was restricted there to 'legal' duties, i.e., to

those 'religious', ritual, or judicial laws decreed in the Law, for the transgression of which specific human punishment is prescribed; the three-fold meaning of *torah*, and its emphatically moral connotation in Biblical and later Jewish religious literature; a word as to the historic basis concerning the distinction made in the *Talmud* and later Rabbinic literature between the Biblical *Mishpatim* and the *Huqqim*.

Before we proceed with our discussion of the various phases of the *idea* of duty in Jewish ethics, it is but proper that we first attempt to acquaint ourselves with the term or terms found in the Hebrew Bible and later Jewish religious literature that approximate our abstract ethical term 'duty'.

We have used the word 'approximate' advisedly, for there is no term in the Hebrew Bible to match exactly our term 'duty'. And for the simple reason that our term duty is, as it was just characterized, *abstract*, i.e., it is nothing more or less than a technical term in the science of Ethics, and is therefore unencumbered with any extra-ethical (for instance, religious) connotations. The idea of moral duty, however, in that distinctly religious literature known as the Hebrew Bible is not merely a doctrine of pure ethics; it is also, and very emphatically so, a religious doctrine. Moral duty in the Hebrew Bible is based upon and is surrounded by an emphatically religious sanction and compulsion—a fact, by the way, among so many others, which reveals at once the distinct moral foundation of the religion of the Old Testament. The idea of moral duty in the Hebrew Bible is, in other words, religio-ethical. We should therefore expect to find, as we indeed do, that the Biblical term or terms which denote moral duty in the Bible, emphatically include religious implications.

In our completed Canon of the Hebrew Bible, the various terms for divinely-ordained 'law' (*torah*, *mishpat*, *hoq* or *huqqah*, *mizwah*, etc.) are used interchangeably, the specific

original meaning, which was at an earlier date no doubt possessed by each one of them, having been, for historic reasons,¹ by the time of the completion of the Canon practically obliterated (excepting in the case of *Mishpat*). We therefore find no clue there as to which of the above mentioned terms originally designated moral 'law', i.e., moral commandment or moral duty. In Talmudic literature, however, that term is undoubtedly *Mizwah*. *Mizwah* in addition to serving there, even as it did already in the post-exilic portions of the Bible (e.g., Eccl. 12.13), as the inclusive term for all the 613 traditional laws (*Taryag Mizwot*) of the Torah without distinction, also stands for all those specifically moral meanings and deeds that are included in our ethical term 'duty', viz., (a) for the commonly translated 'meritorious act', occurring numerous times in that vast literature, i.e., an act not legally obligatory but performed nevertheless out of pure ethical considerations—out of one's sense of duty; (b) for an act done out of the highest ethical motives (*le-shemah*); (c) for that meaning of the term which, in the words of Moore, makes it "not a specific commandment, but every particular opportunity to fulfill the comprehensive duty of men to their neighbors";² (d) for a virtue, or virtuous act in general, or a duty, or dutiful act in general. These various specifically ethical meanings of *Mizwah* in Talmudic literature are so well known that the few Talmudic examples that follow should suffice for illustration: (1) "*A mizwah* (a meritorious act) and at the same time a good investment is the act of him who helps (his neighbor) to produce fruits (crops), while he has a reward therefrom".³ (Rashi and Rashbam, ad loc., explain this to mean: one's making of a mortgage loan to a neighboring husbandman to help him finance his crop, on which one allows repayment in small installments.) (2) "Those who are on the way to perform a *mizwah*, or a meritorious act (for instance, as Rashi, ad loc., specifies: to teach Torah, to welcome his teacher, or

to redeem captives), are relieved of the duty of the performance of the ceremony of the Succah".⁴ (3) "Thou hast done a *mizwah*" (a meritorious act of charity)⁵—thus R. Samuel told some one who gave bread to a hungry man without causing embarrassment to the latter. (4) "It is a *mizwah* (a moral duty) to despise him."⁶ This refers to one of the three classes of men whom, it is said, the Holy One despises, namely, him who appears at court as the only witness against a neighbor, fully realizing that by his single appearance the latter cannot be found guilty, since at least two witnesses are legally required to adjudge one guilty (Deut. 19.15), his ignoble intention, therefore, being only to create a bad reputation for his neighbor. (5) "One *mizwah* (duty or meritorious act) leads to another".⁷

The further application in Talmudic literature of the term *Mizwah* to charity is of course a logical development of the specifically moral meaning of this term: (1) "R. Hisda and R. Hamnuna both teach that we are allowed to bespeak charity disbursements (*heshbonot shel mizwah*) on the Sabbath".⁸ (2) "Let every one distribute *mizwah* (i.e., charity)!"⁹ (3) "Give me *mizwah* (charity)!"¹⁰—thus a poor man pleads with his rich neighbor.

This specific ethical meaning of *Mizwah* in Talmudic literature, by the way, may, we believe, be looked upon as a confirmation of the theory, advanced by Morgenstern, that *Mizwah* originally denoted in the Deuteronomic period the ethical 'laws' that were formulated by the Deuteronomist priest-prophets at that time in the spirit of the ethical teachings of the eighth and seventh century Prophets and incorporated by them in the Deuteronomic Code. Support for this hypothesis may also be seen in the fact that though the verb *ziwwah*, 'to command', is very early, its kindred substantive *mizwah* (plural, *mizwot*, once, *mizwwot* [Neh, 9.14]) does not, on a critical examination of the various Biblical strata,

appear on the scene of Biblical literature before Deuteronomic times. Both in the singular and the plural, *mizwah* is found copiously in Deuteronomy, and there is no doubt that this term is a product of the Deuteronomic period. The appearance of the term *Mizwah* upon the scene of Biblical literature at the very period in Israel's history when the great ethical doctrines of the eighth and seventh century Prophets were formulated by the Deuteronomic priest-prophets and incorporated by them as 'laws', or, more correctly, as divine 'Commands' in the Deuteronomic Code, is indeed significant testimony to the probable correctness of this hypothesis.

These *Mizwot*, it is important to call to the attention of the critical and unbiased student, are laws only in a very loose, (shall we say figurative?), sense. They are really not laws at all, but, in the words of Morgenstern, "ethical commandments which prescribe no penalties and have no sanction whatsoever, other than that the Deity has commanded them",¹² and hence were designated by the Deuteronomists as *Mizwot*—divine 'commands'. The following is a good example of the Biblical *Mizwot*: "A stranger shalt thou not wrong, neither shalt thou oppress him; for ye were strangers in the land of Egypt" (Ex. 22.20).

The Deuteronomists were anxious indeed that their people regard the *Mizwot* as *laws*, and as such possessing the same obligatoriness as the strictly religious and ritual laws of their Code, for by regarding them as such the people would be more inclined to observe them. And it was for this reason that they clothed them in the authoritativeness of divine 'Command', and termed them '*Mizwot*'. That they fully realized, however, that these moral exhortations were not laws in the strict sense of the term, and that they were dependent for their enforcement upon the conscience of the individual, is very evident from the fact, just indicated, that no punishment is attached to the *Mizwot*, as is the case with the ritual

and judicial laws of the Code. This fact, by the way—the Hebrew Bible's giving of its moral admonitions in the similitude of 'laws'—at least partly explains the mischievous fallacy indulged in by the endless line of the defamers of Judaism, of identifying the morality of Judaism with 'legalism' in the customary derogatory sense of this term. Of this, however, more will be said in our chapter on the Motive in Jewish ethics (Chapter V).

Our Talmudic usage of *mizwah* for specifically moral acts or moral duty, may, then, on the strength of this hypothesis, be looked upon more correctly as a retention of the originally ethical connotation of *mizwah*, rather than as a later and new development of this term.

How well the Rabbis preferred *mizwah*, and logically so, for designating 'meritorious' or specifically moral acts, can again be seen in the restricted 'legal' usage which is assigned in Talmudic literature to the late Hebrew term *hobah* ('debt', 'obligation').

While at first blush we would be inclined to look upon this late Hebrew term as approaching more closely the abstract character of our term duty in general ethics than *mizwah*, and therefore to be preferred in later Jewish literature to the latter, an examination of the passages in Talmudic literature where *hobah* signifies duty or obligation (and not 'sin' or 'debt,' which it also very often stands for), indicates that *hobah* designates those duties that are legally obligatory, that is, such duties—ritual or civil—as are prescribed in the Law and entail prescribed punishment for one's transgression of them. Hence the other meaning of *hobah* (*hoba*), whether in the late Hebrew or Aramic—'sin' or 'offense', implying, of course, punishment. This 'legal' connotation of *hobah* is evident not only in the numerous instances in Talmudic literature when it occurs by itself, but also and especially in those rare cases where it occurs opposite other terms, for example, op-

posite *nedabah*: 'free will', as in *Kinnim* I, 1 and 3, where the obligatory sacrifices (*hobah*) are distinguished from the other kind of sacrifices known as *nedabot* and *nedarim*. Likewise when it occurs opposite *reshut* ('optional'), and especially opposite *mizwah* ('meritorious'). In the following passage, where we find *hobah* used opposite both the latter two terms, this distinction is particularly manifest: "Lighting candles on the eve of Sabbath is obligatory (*hobah*); washing hands and feet in warm water before Sabbath is optional (*reshut*); but I say, it is meritorious (*mizwah*)".¹³ Equally so in this instance: "It is not a prescribed duty (*hobah*), nor a meritorious act (*mizwah*), but it is optional (*reshut*)".¹⁴

In later (medieval) Jewish philosophic literature, as in Judah ibn Tibbon's Hebrew translation of Bahya's *Duties of the Heart* (*Hobot ha-Lebabot*), we have the term *hobah* also used in the sense of moral duty, the philosophic usefulness of the more abstract connotation of this term having been recognized. In modern Hebrew, of course, the term *hobah*, divorced from its Biblical and Talmudic religious connotation, does stand for duty in the purely ethical sense of the term. In Talmudic literature, however, where the religious connotation of moral duty still obtains as in the Bible, it is not the later and more abstract term *hobah* that is used to connote moral duty, but our old Deuteronomic term *mizwah*. There *mizwah* and not *hobah* is reserved for those ethical duties that are not enforceable by law, which the Rabbis often magnificently characterize as *kol dabar ha-masur la-leb*: "such duties whose observance is left to the heart (or conscience)", for the transgression of which no human penalty is or could be prescribed.

And indeed, what more fitting word than *Mizwah* can more correctly, nay, more literally, describe the ethico-religious idea of duty in Judaism, which regards moral duty as no less than a divine 'command'?¹⁵ And logically enough, we find

the classic Old Testament statement which summarizes the whole duty of man—religious and moral—characteristically set in a formula of divine commands: "The end of the matter, all having been heard: fear God, and keep his commandments; for this is the whole (duty of [A. V.]) man".¹⁶

Before we leave the discussion of our Hebrew terms for duty, we must in the interest of our subject make a brief statement about the term *torah*, which, among its many other meanings in the Hebrew Bible, emphatically also connotes moral 'direction' or instruction in *moral* duty.

The traditional rendering of *torah* (since the advent of the Septuagint which translates it as *nomos*¹⁷) as 'law', has indeed proved to be, in the words of Moore, "a source of manifold misconceptions".¹⁸ The most mischievous of these misconceptions is of course the age-old identification of Judaism—the religion of *Torah*—exclusively with *written* law—and mostly ritual law to boot—in the purely 'legal' and derogatory sense, i.e., law imposed from without, by a distant divine taskmaster, who enforces obedience under threat of dire punishment. Which misconception of course paves the way for the allegation that Judaism must necessarily on that account be devoid of true ethical doctrine—of 'inner', autonomous motivation.

But "the word *Torah*", as Ryle correctly explains, "is only associated with the idea of the written Law after the exile. Primarily, it means 'a pointing out', an individual decision, it may be, on a moral question of right or wrong, or on a ceremonial question of clean and unclean. It is to be remembered that in early Semitic life government was largely administered by means of 'Toroṯ', authoritative decisions, delivered by the chief or judge who gave his verdict upon the basis of custom and precedent. It was the reign of Themis or what we might call Consuetudinary Justice".¹⁹

This is evident indeed from a philologic analysis of *torah*,

which derives from the cognate verb *horah*—to point out,²⁰ or to direct.²¹ Hence the meaning of *torah*—a pointing out, a ‘direction’. Its root *yarah*, meaning originally to throw or to cast, very likely points to the primitive meaning of *horah*—to cast the sacred lots by the priests at the sanctuaries in order to ascertain the will of the deity for those who came to consult it,²² a practice that fell in abeyance, as McNeile observes,²³ at a very early time in Israel’s history, soon after the time of David, when the function of the prophets as the interpreters of the divine will became paramount in Israel. Thereafter the ascertaining of the divine will acquired a more general meaning. But, whatever the method used by the priestly leader for ascertaining the divine will, the result, the answer, the decision given by the priest to the people who came to ascertain it, was *torah*: ‘direction’, or, in the plural, *torot*: ‘directions’.

And this *torah*, even when given by the priest, consisted of much more than ritual *torah*, as was indicated above in our quotation from Ryle. Driver correctly calls attention²⁴ to the fact that *torah* in the Old Testament has a three-fold meaning, in accordance with the three kinds of *torah* in which the priests instructed the people, namely, ritual *torah*, judicial *torah* and moral *torah* or moral ‘direction’.

The joint function of the priest in giving ritual and judicial *torah* is plainly enough revealed in the well-known very early Biblical verse, Deut. 33.10: “They (the levitical priests) teach Jacob Thy judgments (*mishpatim*) and Israel Thy *torah*; they shall put incense before Thee and whole burnt-offerings upon Thine altar.” *Torah* here, of course, refers to ritual *torah*.²⁵

That even the oldest priestly ritual *torah* in Israel did not lack a strong moral element owing to the moral character of Yhwh, need hardly be stressed at this late date in Biblical Science. In the words of Ryle, “it was not rites but their spiritual significance, not the ceremonial acts, but their con-

nection with the service of Him who made Himself known as the pure, the spiritual, the loving God of Israel, that determined the true character of the revelation granted on Mount Sinai."²⁶

As to the great moral influence of the priestly *judicial torah*, of which we get a fine glimpse in the early Elohist narrative (Ex. 18.13-27), which pictures Moses as discharging the functions of a judge, whose decisions in civil disputes 'between a man and his neighbor' are called in vv. 16 and 20 *huqqim* and *torot*,²⁷ we may cite here the oft-quoted passage of Montefiore: "Most original and characteristic was the moral influence of Yahweh in the domain of law. Yahweh to the Israelites, was emphatically the God of Right . . . From the earliest time onward, Yahweh's sanctuary was the depository of law, and the priest was his spokesman. The oracle of Yahweh, of which the priests were the interpreters, decided suits and quarrels, and probably gave guidance and advice in questions of social difficulty. The *Torah*—or teaching—of the priests, half-judicial, half-pedagogic, was a deep moral influence; and there was no element in the religion which was at once more genuinely Hebrew and more closely identified with the national God. There is good reason to believe that this priestly *Torah* is the one religious institution which can be correctly attributed to Moses . . . Though Moses was not the author of the written law, he was unquestionably the founder of the oral teaching, or *Torah*, which preceded, and became the basis of, the codes of the Pentateuch."²⁸

In fact, we have evidence even from the Prophets themselves—the chief preachers of the *moral torah*—that the *priestly torah* included all along a moral element. We refer to Hosea 4.6, where the prophet attributes those social crimes prevalent in Israel (vv. 1-2) to the priests' forgetfulness of the *torah* of their God: "My people are destroyed for lack of knowledge; because thou hast rejected knowledge, I will

reject thee, that thou shalt be no priest to Me; seeing that thou hast forgotten the *torah* (meaning here moral and spiritual teaching) of thy God, I will also forget thy children."

This brings us finally to the necessary emphasis of the meaning of *torah* as *moral* direction—the specifically *moral torah* which has nothing to do with law, written or unwritten, in the strict sense of the term, and which connotes moral direction, moral instruction, moral guidance, the kind of *torah* taught mainly by the prophets, and also (though to a much smaller extent) by the priests.

A few of the numerous examples of these moral connotations of *torah* in Prophetic literature will suffice.

The '*torat Yhwh*' in Amos 2.4, which Judah rejected and for the rejection of which it must receive due punishment, is the moral and spiritual teaching of Yhwh as taught by the Prophets. The '*torah* of our God' in Isa. 1.10 refers to the prophetic, moral and spiritual, worship of God described in the verses immediately following (11-17), which deprecate that kind of—to the prophet—sinful ritual divine worship while one's "hands are full of blood" (v. 16). What this moral *torah* is, is plain enough in the immediately following celebrated verse (17): "Wash ye, make ye clean . . . Seek justice, etc." So in Isa. 5.24, the *torah* which Judah has rejected consists of the precepts of civil righteousness and morality, Judah's disregard of which Isaiah has been denouncing in vv. 8-23. In Isa. 8.16, 20: "Bind up the testimony, seal up the *torah* (instruction) among my disciples", "for *torah* (instruction) and for testimony",—*torah* denotes the half-political, half-religious advice just given by the prophet in vv. 12-15, which denounce Samaria's war-alliance with Syria against Assyria. Similarly is *torah* used in *ibid.* 30.9—the subject of this chapter being Isaiah's vehement opposition to the seeking by the king of Judah of the help of Egypt ('for Egypt helpeth in vain', v. 7) against Assyria,

the prophet's counsel consisting of, not to "trust in oppression and perverseness" (v. 15). Note that in v. 20 the prophets are called by the very ancient term, the 'directors', i.e., the teachers of the people of Zion: "And though the Lord give you sparing bread and scant water, yet shall not thy directors (*moreka*) hide themselves any more, but thine eyes shall see thy teachers (*moreka*)". So in Jer. 6.19; 9.13; 16.11; 26.4; 44.10, 23, *torah* is used of teaching given in Yhwh's name, sometimes by priests but more often by prophets, on questions of religious and especially moral duty.

In later Biblical literature we find *torah* even more generally used in this spirit, to denote direction, teaching, instruction, of God, the wise, etc. Thus in Job 22.22 ('Receive now *torah* [direction] from His mouth, and lay up His words in thy heart'), *torah* refers to divine direction.

Again in Proverbs we find *torah* denoting the moral instruction in practical wisdom of the Wise (e.g., 3.1; 13.14)—of the teachers of practical wisdom, of which there must have been a sizeable group during the Greek period in Israel's history, when the Wisdom literature of the Bible was flourishing.

The term *torah* is also used of the moral and spiritual direction or guidance to be given by Yhwh or His representatives in the future ideal age, as in Isa. 2.3 (equals Mic. 4.2): "...and He will direct us His ways, and we will walk in His paths, for out of Zion shall go forth direction (*torah*) and the word of Yhwh from Jerusalem."

Again, in Jer. 31.32, *torah* denotes Jeremiah's celebrated 'new covenant': "...I will put my teaching (*torati*) in their inward parts, and in their heart will I write it."

In Isa. 42.4, *torah* stands for the preachings of Yhwh's ideal servant: "He shall not fail nor be crushed till he have set justice in the earth, and the isles shall wait for his teaching (*ule-torato*)."

So in Isa. 51.4: "Attend unto Me, O My

people, and give ear unto Me, O My nation; for direction (*torah*) shall go forth from Me, and My right on a sudden for a light of the peoples”.

Thus in post-exilic times when *torah* began to denote the Deuteronomic Code²⁹; when subsequently, after the time of Ezra and under the influence of P., it began to denote the whole Pentateuchal Code³⁰; and when, still later, in Talmudic times, it came to stand for both the entire Written Torah (*Torah shebi-ketab*) and the Talmudic Oral Torah (*Torah shebe-‘al peh*), i.e., for Scripture and Oral Tradition, for Torah and its Rabbinic Interpretation, in brief, for the Revealed Religion known as Judaism,—our term *torah* embraced not only Israel’s ritual and judicial law, but also, and emphatically so, ethical doctrine—the moral ‘direction’ or moral *torah* of Prophet and priestly prophet, as well as also the guidance in ethical wisdom of the Wise and of their spiritual descendants, the Rabbis of the *Talmud* and after.

Evidently, then, the literary history of the term *torah*, as well as that of *mizwah*, affords scant aid and comfort to biased critics of Judaism in their pernicious attempts to identify the ethics of Judaism with law in the derogatory ‘legalistic’ sense of the term. For it is obvious that neither the *Mizwot*—the ethical ‘laws’ of the Hebrew Bible—nor *Torah* in Biblical literature were used merely to denote law in the literal or ‘legalistic’ sense of the term, but that from earliest times these terms also embraced ethical doctrine in the full moral and spiritual implications of this expression.

A word, before leaving our discussion of terms, as to the distinction made in the *Talmud* and in later Rabbinic and medieval philosophic literature³¹ between the *mishpatim* and the *huqqim*. In the celebrated Talmudic passage, *Yoma* 67b,³² to which we shall have occasion to return in our next chapter, the Rabbis, with reference to Lev. 18.4 (‘My judgments [*mishpatai*] shall ye do and My statutes [*huqqotai*] shall

ye keep'), make a distinction between the Biblical *mishpatim* and *huqqim*. In this passage, the *mishpatim* are spoken of, predominantly, as the civil and moral laws of the Torah, while the *huqqim* are explained to mean the irrational ritual laws, for the observance of which no reason is given in the Torah but which Israel must observe nevertheless, since they are God's expressed commands. For the very interesting literary history of these two terms, we refer the student to Morgenstern's studies on this subject.³³ Morgenstern finds the *huqqim* to have stood originally, at least in the post-exilic period, for the priestly laws (most ritual) that originated from the post-exilic priestly hierarchy. As to the *mishpatim*, we have of course ample evidence in the Bible³⁴ that identifies the *mishpatim* with civil or judicial laws. We have also evidence in the Prophetic literature of the specifically moral meanings that the term *mishpat* later developed.³⁵ We have therefore an historic basis in the literary history of these two terms in the Bible for their later, above described, usage in Talmudic and medieval philosophic literature, namely, the *mishpatim* as representing the civil and moral, i.e., Rational laws, and the *huqqim*, the ritual, irrational or Traditional laws of the Torah.

CHAPTER III

CLASSIFICATION OF THE COMMANDMENTS—AND THE AUTONOMY OF THE MORAL LAW OR DUTY.

“‘My judgments shall ye do and My statutes shall ye keep’ (Lev. 18.4). *The Rabbis teach: ‘My judgments shall ye do’—this signifies such ordinances which even were they not written in the Law, would on grounds of reason have to be written, and these are idolatry, -adultery, bloodshed, robbery and blasphemy.*” (Sifra, *Aḥarè Mot*, *Perek* 13, ed. Weiss, 86b; *Yoma* 67b.)

SYNOPSIS—1. *Distinctions* between the moral and ritual laws or commandments in the Hebrew Bible: in the Prophets; in the Deuteronomic Code; in the Priestly Code; in the Wisdom literature; this distinction as explicit in the Prophets and unquestionably implicit even in P.; Morality identified with Wisdom in the Wisdom literature; the uniqueness and absoluteness of the moral law in the Old Testament; 2. the *distinction* in Talmudic literature between (a) the Rational and Irrational Commandments; (b) “the Duties as between Man and God and the Duties as between Man and his Fellow”; Reason and Revelation as the source of the Law; Reason as the primary source of the moral commandments or the moral law; the uniqueness and superior importance attached by the Rabbis to the moral as against the ritual commandments, as seen (a) in various Talmudic deliverances on this subject; (b) in the Talmudic examples which illustrate the well-known Talmudic principle, expressed in various ways, that the moral law super-

sedes the ritual law; (c) in the enumeration of exclusively moral commandments in the various Rabbinical compendia or summations of the essentials of the Law; the Rabbis' identification of God with the moral law, and religion with the moral life; 3. the *classification* of the commandments by the medieval Jewish religious philosophers into *Mizvot Sikliyyot* and *Mizvot Shim'iyot*: Rational and Traditional (or Revealed) Commandments: (a) *Sa'adia*:—the first to make this classification in his *Emunot we-De'ot*; the rationality of the moral commandments or the moral law demonstrated by *Sa'adia*; the source of the moral law to be found in Reason, hence the autonomy of the moral law; the source of the Law, three-fold: Reason, Revelation and Tradition, in the order named, Reason coming first; the rational or moral commandments underlying the Law proving the permanence and irrevocability of the Law; the attempt made by *Sa'adia* to find reason or moral purpose even in the Traditional laws or commandments; thus the dual nature of the Law: rational and traditional, or moral and ritual, or universal and national; (2) *Bahya*:—his new distinction developed in his *Hobot ha-Lebabot* between the commandments, as 'Duties of the Heart' (*Hobot ha-Lebabot*) and 'Duties of the Limbs' (*Hobot ha-Ebarim*); as with *Sa'adia*, Reason as the source of the moral laws, and Reason, Revelation and Tradition as the three-fold source of the Law, Reason being first in time and importance; (c) *Halevi*:—the rational or moral commandments also regarded by *Halevi*, in his *Kuzari*, as preceding the divine law in character and time, hence, according to *Halevi*, too, the moral law is conceived as autonomous; Tradition, however, regarded by *Halevi* as a surer source for *divine or religious truth* than the Philosopher's Reason; *Halevi*'s inspiring love of the ceremonial laws of Judaism, whose source is not Reason but Tradition, due to his emphatic recognition of their *national* character, in view of the fact that they distinguish Judaism as the national religion of Israel and Israel as a nation from all the other nations; the two-fold nature of the Law as developed in *Halevi*: moral, rational or universal, and ceremonial or national; (d) *Abraham*

ibn Ezra:—the character of his two-fold classification of the commandments, found in his Biblical Commentary, to Ex. 20.2, practically similar to that of his predecessors; (e) *Ibn Daud*:—the same ideas as those of his predecessors in regard to the commandments, developed by Ibn Daud in his five-fold division of the commandments of the Law, in his *Emunah Ramah*; though more emphatically a rationalist than any of his predecessors, Ibn Daud, the good Jew that he was, finds full justification for the traditional commandments, for which no reason is given in the Law, in the fact that they test one's faith in God; (f) *Ibn Zaddik*:—in his ideas on the classification of the commandments, found in his *'Olam Katon*, he follows Sa'adia; the reasons for the traditional commandments which are incomprehensible to us, to be found in the mind of God; (g) *Maimonides*:—Maimonides' objection to Sa'adia's classification of the commandments as Rational and Traditional (found in his *Shemonah Perakim*), though he made a similar distinction himself between the moral and ceremonial laws, due to his fear—the product of his characteristic all-rationalizing passion—that by designating the moral laws as rational the presumption, unthinkable to Maimonides who conceived of God as pure Reason, would follow that the ritual laws given by God have no rational purpose; Maimonides' consequent insistence that all the laws have a useful object, modified however by his principle, which he does not follow out consistently, that this assumed purpose in all the commandments applies only to their *general character* but not to their details; Maimonides' discussion of the nature of the commandments continued in his *Moreh* where he proceeds to divide all of the 613 commandments into four divisions and fourteen classes and to explain the purpose or object of almost all of the commandments, in some cases even as to their details; (h) the *Karaite Aaron ben Elijah of Nicomedia*:—in his *'Ez ha-Hayyim*, he not only agrees with Maimonides that there is a purpose in all the traditional commandments in their *general nature*, but goes Maimonides one better—by insisting that there is a purpose even in all their *details*; this purpose con-

sisting in the fact that the Scriptural commandments (*Mizwot Toriyot*) are *Nehulim*: pedagogues to the Rational laws: they lead us to the observance of the Rational laws; the source of the Law only two-fold, viz., Reason and Scripture or Revelation, omitting Tradition, in accordance with the tenets of Karaism; *Main Conclusion*: the idea of the autonomy of the moral law, both implicit and explicit in Judaism, in spite of its being a 'revealed' religion: the moral law in Judaism, by virtue of its absolute character, is more important, and therefore, in special moral situations, supersedes the ritual law, though both are obligatory; the function of Revelation in Judaism, as it relates to the moral law—not to decree it as something new or external to man's nature, but rather to divinely confirm, to sanctify and motivate it.

1. DISTINCTION BETWEEN THE MORAL AND RITUAL LAWS OR COMMANDMENTS IN THE HEBREW BIBLE.

In the Pentateuch, as has no doubt become apparent from our foregoing discussion of our various terms for law or commandment in the Bible, we have no formal distinction between duties—between the moral and ceremonial commandments, which explains one of the reasons why the Biblical student finds such great difficulty in identifying there the specific connotation of the various terms for law or commandment.

In the Great Prophets, as is well known, the distinction between the moral law—justice, righteousness, equity, love, mercy—and ritual practice, almost invariably to the disadvantage of the latter, is writ so large and trenchantly that he who runs may read. We need but recall Isaiah's pitting of moral practice with respect to our fellow men, as God's primary demand of man, against a hypocritical life of ritual practice and injustice, which, according to the prophet, is nothing less than sacrilege to the God who is Justice and Morality: "To what purpose is the multitude of your sacri-

fices unto Me? . . . Bring no more vain oblations; it is an offering of abomination unto Me; new moon and Sabbath, the holding of convocations—I cannot endure iniquity along with the solemn assembly. . . Yea, when you make many prayers, I will not hear, your hands are full of blood. . . Cease to do evil; learn to do good, seek justice, relieve the oppressed, judge the fatherless, plead for the widow” (Isa. 1. 11-17). Equally emphatic is Hosea’s famous deliverance: “For I desire mercy and not sacrifice, and the knowledge of God rather than burnt-offerings” (Hos. 6.6). Equally specific is Amos’ statement on the subject: “I hate, I despise your feasts, and I will take no delight in your solemn assemblies. Yea, though ye offer Me burnt-offerings. . . I will not accept them. . . But let justice well up as waters, and righteousness as a mighty stream” (Am. 5. 21-24). Likewise Micah’s classic statement: “Wherewith shall I come before the Lord. . . Shall I come before Him with burnt-offerings. . .? It hath been told thee, O man, what is good, and what the Lord doth require of thee: Only to do justly, and to love mercy, and to walk humbly with thy God”. (Mic. 6. 6-8; comp. Jer. 7. 3-15; Isa. 58. 4-7, etc.)

To the Prophets, the moral law was the basic principle of the divine world economy: “I have set Justice as the measuring line and Righteousness as the standard.”¹ In the Prophets’ mind God was identified with Righteousness or the Moral Law. Indeed, long before Deutero-Isaiah dwelt upon the idea of God as Creator, Amos and the prophets who came after him dwelt on the doctrine—to them an axiom—that God is Justice and Righteousness, that God’s ineffable Holiness is His ineffable Righteousness. As the present writer wrote elsewhere: “Justice to the Israelitish mind was such an indispensable thing in the universe that it sometimes seems to stand out as some irresistible power independent even of God, as something which God himself must needs obey. And the

priestly writer's daring query indeed mirrors the Jewish justice-burning soul: 'Will the Ruler of the whole earth fail to do justice!' " (Gen. 18.25.)²

While we have not these unmistakable prophetic distinctions between ritual practice and moral conduct in the pre-exilic portions of the Deuteronomic Code—the sublime depository of the great ethical teachings of the pre-exilic Prophets—we have clearly there great emphasis on the *Mizwot*, on the specifically ethical laws of this great code.

Sacrifice, as Kautzsch correctly states, was merely taken for granted by the Deuteronomist as an old established institution, and Deuteronomy never "sets itself to distinguish in principle the value and the necessity of sacrifice".³ All he was interested in was to have sacrifice centralized in the central sanctuary, for "only thus is there any security that the cultus shall be so watched over that the relics of heathen ritual customs shall at length be combatted successfully."⁴ The Deuteronomist's main concern was with moral reasoning, with moral teaching, in brief, with the moral commandments,—with justice, love, charity to the poor (23.20; 24.6, 10ff.), the weak, the female prisoners of war (ibid. 21.10ff.), the escaped slave (23.16-18), with kindness even to animals (22.4, 6-7). The Deuteronomist even finds the value of the sacrificial meals and of the three years' tithe in the provisions for the Levites, the poor, the widow and the orphan (14.28-29, et passim). In fact, the Deuteronomist is forever eager to bring to the fore the humanitarian as against the ritual motive in every ritual ordinance, as, for instance, in the matter of hallowing the Sabbath (5.12f.), the Year of Release (15.1ff.), etc.

Neither are the over-much maligned Priestly authors (P.) uncognizant of the important difference between a moral and ritual law. This distinction while not explicit is unquestionably implicit in their literature. This is very pointedly

evident in, for instance, Lev. 5.21-26. There we are told: "If any one sin, and *commit a trespass against the Lord*, and deal falsely with his neighbor in a matter of deposit, or of pledge, or of robbery, or have oppressed his neighbor; or have found that which is lost, and deal falsely therein, and swear to a lie; in any of all these that a man doeth, sinning therein, then it shall be, if he hath sinned and is guilty, that he shall restore that which he took by robbery, or the thing which he hath gotten by oppression, or the deposit which was deposited with him, or the lost thing which he found or anything about which he hath sworn falsely, he shall even restore it in full, and shall add the fifth part more thereto; unto him whom it appertaineth shall he give it, in the day of his being guilty (i.e., as Kennedy correctly explains,⁵ on the day that he makes a voluntary confession of his guilt, without the intervention of the law) he shall bring a forfeit unto the Lord, a ram without blemish out of the flock, according to thy valuation, for a guilt-offering (*asham*) unto the priest. And the priest shall make atonement for him before the Lord, and he shall be forgiven, concerning whatsoever he doeth so as to be guilty thereby."

In this significant passage we find our Priestly legislator making a significant distinction between what we would term a moral offense and a mere ritual transgression. The correction of a moral offense demands a special treatment—a moral, a social treatment, namely, full restitution to one's fellow. A guilt-offering is of course required, in characteristic Priestly fashion, but not as a substitute for moral restitution to one's wronged fellow, but rather because a moral offense is considered by the Priestly legislator not merely as a crime which must be rectified in a social way but also as a *sin*, an offense against the moral holiness of God. As Kennedy remarks, "the majesty of the divine holiness must be vindicated by a guilt-offering, for in wronging his neighbor the offender has

also broken faith with God, the supreme guardian of morality." For the operation of the same principle, compare the celebrated procedure in regard to the sacrificial heifer (Deut. 21.1-9), concerning the case of a slain body found in the field with the murderer unknown.

We again see the special importance that P. attaches to the moral law in his distinction between sins of ignorance or inadvertence (*bi-shegagah*) and sins done with a high hand or of purpose (*be-zadon* or *be-yad ramah*). For the latter class of sins the atoning power of sacrifice does not apply at all (cf. Num. 15.20 f.). And it is this class of sins, let us note, namely, sins committed with a high hand, that comprises "upon the whole", as Davidson remarks, "the sins forbidden by the moral law."⁶ Moral sins therefore are a special offense to God. There is no atoning power for them in the sacrificial cult.

Our Priestly legislators, no less than the Deuteronomist lawgivers, indeed absorbed and made their own the Prophets' supreme emphasis on the moral law. In spite of their voluminous elaboration of the minutiae of the Levitical ritual they never lost sight of, indeed forever assumed if they did not always express, the majesty, uniqueness and absoluteness of the moral law.

The position of the Priestly school on the matter of the moral law in relation to the ritual is briefly but adequately explained by Kennedy in his Commentary on the Book of Leviticus. He writes: "The period of the Babylonian exile marks an epoch in the history of the religion of the Hebrews, and in particular in the history of sacrifice. The extinction of the state and the destruction of the temple had awakened a new feeling of national and individual guilt. The discipline of the exile further developed the conviction of the need of purification and propitiation. Alongside of the deepening sense of sin went a heightened conception of the Divine holiness,

due in large measure to the teaching of Ezekiel. The exiled priest-prophet and those like-minded, such as the author of the Holiness Code, insisted that a holy God required a holy people. 'Ye shall be holy: for I Yahweh your God am holy' (Lev. 19.2).

"These words may be taken as the master-key to the whole ceremonial legislation of the Pentateuch. God's all-devouring holiness requires that His people shall keep themselves free not only from moral transgressions—*this is more frequently assumed than explicitly stated* (italics ours)—but also from every ceremonial defilement that would interrupt the relations between them and their God. To maintain these relations unimpaired or if interrupted to restore them, is, according to the teachings of the Priests' Code, the object of sacrifice and offering. Sacrifice, in short, may be described as the divinely appointed means for the preservation and restoration of the holiness in virtue of which alone the theocratic community of Israel can realize its true ideal as the people of a holy God."⁷ In their super-emphasis on levitical purity as an indispensable means of at-one-ment with God, they were indeed children of their age, and in that regard were spiritually miles removed from the Great Prophets. Nevertheless, it hardly needs to be emphasized to the critical student of the Old Testament, the majesty of the moral law meant to them in effect as much as it meant to the Great Prophets. Holiness without moral integrity to the Priestly legislators no less than to the Deuteronomist, was indeed unthinkable. Nor was it necessary for the Priestly legislators to dwell at length *de novo* on Yhwh's moral requirements, for that had already been done before them by the Prophets, whose immortal deliverances on this subject had long ago become part and parcel of the sacred literature of Israel, to which the Priestly legislators no less than the whole community of Israel wholeheartedly subscribed.

The specific task that P. set out to accomplish was the setting down in detail of the ritual law, which he did, assuming all the time the Prophets' emphasis on the moral law as the long-accepted *conditio sine qua non* for the proper worship of God. "We must not forget", writes Kautzsch to the same effect, "that P. represents the close of a long development in the course of which the moral demands of the prophets, at least after the introduction of Deuteronomy, had long become flesh and blood in the case of the better portion of the people—certainly of all who accepted the future hope. It did not appear to P. to be necessary to emphasize these demands afresh, seeing that in the form of the Decalogue they had long been a common possession of the people. Moreover, there is not wanting, at least in the Law of Holiness (Lev. 19 and 20), a collection of a whole series of essentially moral demands, although these are for the most part amalgamated in a remarkable fashion with ritual prescriptions, and the way in which humanitarian prescriptions like those contained in 19. 10f. 13f. are based upon the motive of the 'fear of God' (vv. 14, 32) more than once vividly recalls Deuteronomy. The same remark applies to the exhortations to the strictest impartiality in judicial decisions (vv. 15, 35). and to absolute honesty in business and uprightness of life (vv. 11, 13a, 36). Besides, vv. 33f. contain not only a prohibition against oppressing the *ger*, but a command to love him as oneself." Kautzsch thus likewise insists that, on the whole, "the ethical system of the Prophets may be regarded as binding for P. Only in his estimation, *the moral ideal is not exhausted* (italics ours) in the fulfillment of specially ethical demands."⁸ Along with these ethical demands P. also includes all the detailed regulations of the cultus, which to him are equally indispensable for the making of Israel a holy, God-consecrated people. In this, as we have above remarked, the Priestly legislators were of course chil-

dren of their age, even, let us note, as were the Great Prophets in another respect, namely, in their very emphatic conviction, which we no longer accept today, that God's rewards and punishments are directly visible in the impact of the forces of nature upon man.

Granting, however, P.'s absorbing concern with the ritual, it must be remembered that this absorbing interest of his did not in the least weaken in his mind and in his system the Prophets' idea which he made his own, namely, the majesty, the uniqueness, the absoluteness of the moral law and its inseparableness from the acceptable religious life. It was a priestly writer, let us recall, who dared challenge God on the matter of justice: "Will the Ruler of the whole earth fail to do justice!" (Gen. 18.25.)

When we reach the Psalms we find the moral law uppermost in the true prophetic spirit. In the so-called anti-sacrificial psalms (40.7; 50.8-14; 51.18,19; 69.31) we find sacrifice deprecated in the authentic prophetic tradition. We find indeed a great many passages in the Psalms where high esteem is given to the Temple as the place of Yhwh's presence, in which longing is beautifully expressed for the beautiful service conducted there. But, as Kautzsch remarks, "it would certainly be an error to discover the principal motive of this longing in joy in the cultus in the narrower sense, i.e., in the sacrificial performance", as witness the very rare references in the Psalms to sacrifice. "Their joy in the beautiful service of the temple was evidently derived primarily from what appealed to the heart and the feelings: the festal processions, the prayers and benedictions of the priests and not least, it may be presumed, the temple music and singing." The Psalmists' occasional praise of the Law (1.2; 19.8 [7] ff.), it would also seem, was intended for the specifically moral commands and not for the ceremonial law. Even the endless utterances, mostly of quite a general character, in the Torah Psalm (119)

which dwell on the value and efficacy of the divine commands, show at times (vv. 9, 56, 133), as Kautzsch remarks,⁹ that it is the moral content of the Law that the psalmists have in view. In Proverbs we hardly have mention of the duties of the cultus; in fact, in 21.3, the sage even deprecates sacrifice and holds the moral life much superior to sacrifice: "To do righteousness and justice, is more acceptable to the Lord than sacrifice." The duties that interest our sages in Proverbs are mostly the moral duties. Indeed, the very Wisdom (*hakmah*) whose praises the sages sing so profusely in Proverbs is not something esoteric or speculative, but is rather a moral wisdom that is grounded in true piety, and is explicitly defined by the sages (1.7, 29; 9.10) as 'the fear' (i.e., the proper worship),¹⁰ or 'the knowledge' of, God: "My son, if thou wilt receive my words, and lay up my commandments with thee; so that thou make thine ear attend unto wisdom, and thy heart incline to discernment. . . then shalt thou understand the fear of the Lord and find the knowledge of God" (2.1-4).

The chief concern of the author of the great Book of Job—that sublime product of the Hebrew genius and one of the great books in the world's literature—was to re-establish in his mind the conviction of the operation of the moral law at the basis of the world-order, at least in the relations of God to man, after that prophetic principle appeared to be shaken by the untenability—to Job—of the traditional dogma of retributive justice in material terms. Job's earlier contention with God arises from the fact that God who is supposed to operate His divine world-economy on the principles of justice and morality fails apparently to do so in his (Job's) case. Job's exemplary moral life, described in the celebrated Chapter 31 and also in Chapter 29.12f. (note, by the way, the complete absence of the cultus in the author's famous catalogue of Job's virtues), is universally recognized, yet he is overwhelmed with such unspeakable afflictions that, judged

by the old standard of material retribution as believed in by his three friends, he is made to appear as the most dastardly of sinners. Where, then, is the Justice of God, and where may one recognize the operation of the divine law (9.22f., etc.)? And what reconciles Job to his fate is, of course, not the denying of the prophetic doctrine of the justice of God and the absoluteness of the moral law in the universe (that, to the Hebrew mind, were unthinkable!), but his final realization of the inability of man's finite mind to understand that higher divine justice that is involved in the ultimate, supra-human, purposes of the Divine world-economy. Therein ultimate justice and the moral law must be *assumed* by man (Chs. 38-41; cf. also 28.12f.; 26.14, et passim). And this is the great moral point in Job's spiritual message: Despite man's inability to explain the suffering of the righteous, man's never-to-be questioned duty remains to live his life in conformity with the moral law, for the moral law is absolute. Thus in full accord with the sages of Proverbs, Job comes to the conclusion that "The fear of God, that is wisdom, and to shun evil is understanding" (28.28).¹¹ In the words of Buitendijk, "Job says that the moral law inherent in man, with its absolute claim to obedience and its peremptory call to duty, is the one reality that constitutes human wisdom—it is the voice of God."¹²

Even our sceptical and pessimistic author of Ecclesiastes—that fascinating rebel against the Hebrew spirit—true nevertheless to the Hebrew genius, could not permit himself, as Kautzsch remarks, to descend to vulgar Epicureanism in his counsel about living.¹³ We even find him paralleling wickedness with folly. In his parallel usage of righteousness and wisdom, and wickedness and folly (7.16-17), in his well-known counsel not to be either over-righteous or over-wicked, one may detect his half-hearted admission that morality is identical with wisdom and wickedness with folly. There is even a sus-

picion, as Kautzsch suggests,¹⁴ that the Preacher did have a faint belief in the justice and wisdom of God. What irked him was the fact that God's ways are so mysterious that man cannot possibly perceive His justice and wisdom (3.11, 14; 8.17). And what saved this precious piece of literature for us, was the conclusion of the book (12.9f.), which was added by a later hand, wherein we find the Hebrew idea of the absoluteness of the moral law re-affirmed in the face of the Preacher's sceptical and pessimistic reflections: "The end of the matter, all having been heard; fear God, and keep His commandments; for this is the whole (duty of—A. V.) man."

2. DISTINCTIONS BETWEEN THE COMMANDMENTS IN TALMUDIC LITERATURE.

- (a) Rational and Irrational Commandments
(*Mishpatim* and *Huqqim*).
- (b) "Duties as Between Man and God and as Between Man and his Fellow"
(*Mizwot she-ben Adam la-Makom u-Mizwot she-ben Adam le-Habero*).

We have referred at the end of our second chapter, in our discussion of the literary history of our various terms for duty, to the passage in *Yoma* which is also found in a slightly altered form in an earlier source, in the *Sifra*. These passages are very important for the subject of the present chapter.

The passage in *Yoma*, which is in the nature of a comment on Lev. 18.4 ('My judgments [*mishpatai*] shall ye do, and My statutes [*huqqotai*] shall ye keep'), reads as follows: "The Rabbis teach: 'My judgments shall ye do'—this signifies such ordinances which even were they not written in the

Law, would on grounds of reason (*din* is the Rabbis' term, meaning law or reason) have to be written (*debarim she-ilmalè lo niktebu din hu she-yikatebu*), and these are idolatry, incest, homicide, robbery and blasphemy. 'And My statutes shall ye keep'—this refers to those laws that Satan and idolaters (and the *Yezer Ra'*) argue against, and they are the prohibitions of eating swine's flesh, or wearing garments mixed of wool and linen (*sha'atnez*),¹⁵ the rite of taking off the *Yabam's* shoe in his refusal of levirate marriage (*halizah*),¹⁶ the ritual of purification of the leper (Lev. 14.1-20), and the despatching of the scapegoat (*se'ir la-'azazel*).¹⁷ Perhaps thou wilt say, they are futile performances,—for this reason Scripture says, 'I am the Lord your God', i.e., I, the Lord, have ordained it, it is not for you to find fault with them."¹⁸

In this and in the similar passage in the *Sifra*, the Rabbis are of course interested in urging the pious Jew to observe even those ritual commandments in the Pentateuchal law which appear to be irrational. These commandments, they are here anxious to teach, are, despite their apparent irrationality, no less obligatory than the other commandments which are based on reason, "which even were they not written in the Law would *on grounds of reason* have to be written." These comprise the moral prohibitions (incest, homicide and robbery), as well as idolatry and blasphemy, which, in complete logical accord with their simple but pious faith, the Rabbis deem equally dictated by reason.

For the purposes of our subject, however, these passages are significant not in what the Rabbis directly aim to stress, namely, the equal obligatoriness of the irrational ritual commandments with the moral (using this term in the Rabbis' wider sense) commandments, but rather in their casual, and on that account the more significant, admission, that the source of the moral commandments is *reason*, the nature of

man and the nature of the social order. Even if these moral commandments, the Rabbis admit, were never 'written', that is, were never divinely revealed in the Sinaitic law, they "would on grounds of *reason* have to be written." Law or no Law, Sinaitic revelation or no Sinaitic revelation, the moral commandments would have obtained and would have been observed anyway, for man as a social being cannot exist without them, since they are, as we would say today, 'in the nature of things', and therefore no less than the compulsions of common sense or reason. In the words of Lazarus, "the moral laws, then, are not laws because they are written; they are written because they are laws".¹⁹ These moral laws were, to be sure, 'written', i.e., revealed in the Law, but they were 'written', because they are the inescapable laws of man's reason.

This uniqueness of the moral laws as contrasted with the ritual laws in the opinion of the Rabbis, is further exemplified in their well-known teachings regarding the so-called Seven Noachian Laws,²⁰ which consist of predominantly moral laws, and which, according to the Rabbis, were observed by the righteous Gentiles already in the time of Noah. Nay, according to R. Levi, they were originally 'given' to Adam, the first man. R. Levi homiletically derives the following six commandments, which were already known to and practised by Adam, from Gen. 2.16 ('And the Lord God commanded Adam, From every tree of the garden thou mayest eat'): (1) prohibition of the worship of other gods; (2) blaspheming the name of God; (3) cursing judges; (4) murder; (5) incest and adultery; (6) robbery. R. Johanan, R. Levi's teacher, derives from the same Biblical passage the following somewhat different list: (1) the commands to establish courts of justice; (2) the prohibition of blaspheming the name of God; (3) the prohibition of worship of other Gods; (4) the prohibitions of incest and adultery; (5) of murder, and (6) of

theft.²¹ To Noah was added, after the Flood, a seventh commandment, consequent upon the permission then given man to eat the flesh of animals (Gen. 9.3), namely, not to eat flesh that had been cut from a living animal.²² While many other laws were considered by some Rabbis to be binding on the descendants of Noah (i.e., Gentiles),²³ the prevailing opinion limited them to the seven just enumerated in the second catalogue.²⁴

Not so, however, with the ritual laws of the Law, especially the seemingly irrational ones enumerated in our above quoted passages. These, unlike the moral-Noachian laws, are binding on Israel alone, and their only source is Revelation, the divine decree of God as contained in His revealed Law. Had these never been 'given' or revealed in the Law—the inescapable implication is—they would never have been binding even on Israel, for Reason alone would never have dictated them.

We thus learn the following, indirectly, from the passages quoted by us above, as to the source of both the Law and the moral law: As for the Law, its source, so the Rabbis believed, is Reason and Revelation. The latter of course consists of Scripture (the Written Law) and Tradition (the Oral Law). As for the source of the moral commandments (or the moral law), it is Reason. While, to be sure, 'given' in the Law or Revelation, they antedate the Sinaitic Revelation, for their primary source is Reason. Indeed, "even were they not written in the Law, they would on grounds of reason have to be written."

We shall have occasion to return to this significant distinction between the rational and irrational commandments in the Law, made by the Rabbis in these celebrated passages, at the end of this chapter, after we will have discussed the further development given to this distinction by our medieval religious philosophers in the latter's classification of the com-

mandments into the Rational and Traditional (or Ritual) Commandments.

Before turning to our medieval religious thinkers, however, we must first point to another important distinction between the commandments made by the Rabbis. To this other distinction, unlike the one which we have just discussed, they gave a name, and a very inspiring name, namely, the celebrated *Mizwot she-ben Adam la-Makom u-Mizwot she-ben Adam le-Habero*: the Commandments or Duties as between Man and God and the Commandments as between Man and his Fellow. This distinction reminds one very strongly of the Rabbis' first described distinction, which we named, following their own description of it, the **Rational and Irrational** Commandments, and which the medieval Jewish philosophers later called Rational Commandments and Traditional Commandments.²⁵ The only difference between these two distinctions seems to be that the Commandments as between Man and God—in our second distinction—is the more inclusive term for all the ritual commandments, including, it would seem, even those ritual commandments for which a good reason could be found, while in the passages in question reference is made only to those specifically named ritual laws that are universally recognized as not explicable by human reason.

In our second distinction, we may again see the uniqueness of, and consequently the superior importance attached by the Rabbis to, the moral commands as against the ritual or strictly religious laws. The very well-known passage in the *Mishnah*, based by R. Eleazar b. Azariah on Lev. 16.30, comes to mind: "Thus Eleazar b. Azariah expounded: 'From all your sins shall you be cleansed *before God*' (ibid.): Sins that are between man and God, the Day of Atonement expiates; sins that are between a man and his fellow, the Day of Atonement does not expiate until he has conciliated his fellow."²⁶ The

same distinction we find in the parable of Jose ha-Kohen, which reads as follows: "The proselytess Beluriah asked Rabbān Gamaliel: It is written in your Torah, (Deut. 10.17) 'The Lord who forgiveth no persons and taketh no bribe'; and it is also written, (Num. 6.26) 'May the Lord forgive thee'.—R. Jose the Priest answered her and said: I will tell you a parable. To what may this (your question) be likened? Unto one who borrowed money from his neighbor, set a time for its repayment in the presence of the king, and swore by the king's life (to repay it on time). The time arrived, but he did not pay; and he came to appease the king. Said the king to him: 'I can forgive you only the offense against me, but I cannot forgive you the offense against your neighbor; go and ask *him* to forgive you'. So also here: in the first verse it refers to sins committed by a man against his fellow man, but in the other it refers to sins committed by a man against God."²⁷

The superior importance placed on the commandments as between man and his fellow, is found again in the following Talmudic passage, which is attributed to R. Idi, and reported by Raba, as a comment upon Isa. 3.10 ('Say ye of the righteous that he has done well; for the fruit of their deeds shall they eat'): "Is there, then, a righteous man that is good and a righteous man that is not good? We must therefore say that a righteous man who is good towards Heaven and also towards man, is a righteous man that is good; he who is good towards Heaven but conducts himself badly towards man, is a righteous man that is not good. Similarly may be interpreted Isa. 3.11 ('Woe unto the wicked who doth evil, for the recompense of his hands shall be bestowed on him'). Are there, then, wicked who do evil and wicked who do not evil? We must therefore say that the wicked man who acts wickedly towards Heaven and towards man, he is a wicked man who doeth evil;

but a wicked man who acts wickedly towards Heaven and not towards man, he is a wicked man who doeth not evil."²⁸

And it was because the moral interest was forever foremost in the minds of the Rabbis, despite the burdensome ritual legacy which was bequeathed to them by the ancient Priestly legislation, and despite their loyalty to and reverence of the complex minutiae of the ritual law,—that when it came to a show-down between a moral situation and a ritual condition that interfered with the carrying out of the moral act, as in the case of the saving of a human life on the Sabbath, the Rabbis always decided in favor of the moral act, in accordance with their well-known principle, that the moral law supersedes (the technical term is *doheh*: to 'push out' [and take its place]) the ritual law.

Thus the Rabbis teach²⁹ that it is permissible, nay, commendable, among other things, to satisfy the craving of a pregnant woman, or to feed a sick man afflicted with ravenous hunger (*bulimy*), on the Day of Atonement, a day of the strictest fasting, even with food unclean every day, such as pork stew,—“because nothing is prohibited which is needed to save a life, except idolatry, adultery and bloodshed.”³⁰ R. Ishmael ruled that even idolatry when forced upon one by the threat of death is permissible, when it is not practised publicly, citing the principle often applied and illustrated by the Rabbis: “The laws were given that men should live by them,—not that they should die by them.”³¹ R. Mathia b. Heresh taught: If a person has a sore throat, it is permitted to treat his throat with drugs on the Sabbath, because the disease may endanger his life, and whatsoever threatens to endanger life supersedes the Sabbath.³² The same principle is given in the name of R. Joḥanan thus: “It is permissible to save a human life on the Sabbath, though the act entails the breaking of the Sabbath laws” (*mefakkehin piqquah nefesh be-shabbat*).³³ Again, R. Jonathan b. Joseph expressed

this general principle regarding the Sabbath, as well as concerning all other laws, in this significant manner: "Of the Sabbath it is written, (Ex. 31.14) 'For it is holy unto you'.—Unto *you*. The Sabbath was given unto *you*; not you for the Sabbath".³⁴ Moore's comment in this connection on the Jews' objections to Jesus' healing on the Sabbath, is very apposite: "The objection to Jesus' treatment of the sick on the Sabbath was that the sufferers were in no danger. A man with a withered arm (Mark 3.1-6) or the malady of years' standing could just as well have waited till Sunday."³⁵ In spite of their strict prohibition of all kinds of labor on the Sabbath, we are told: "The Rabbis taught: The Sabbath is superseded when life is threatened, and the more swiftly this is accomplished, the greater the praise."³⁶ Permission from the *Bet Din* for the rescue is not necessary when a child is drowning. It should be rescued immediately, and it is praiseworthy even when in pulling the child out with a net, the rescuer at the same time takes up fish in the net, which is ordinarily not permitted on the Sabbath. So in the case of a child that has fallen into a pit, one may remove the earth-covering thereof to hasten the rescue of the child. Similarly in the case of an ailing child, circumcision is postponed if the operation would be dangerous,³⁷ the principle here again being: "The laws were given that men should live by them, not that they should die by them." This principle is again homiletically expounded as follows: "The lamp (of Sabbath) is called *ner*, and the soul of man is called *ner* (Prov. 20.27); it is better that the human light (of Sabbath) be extinguished than that God's light (man's soul) be extinguished."³⁸ Still another homiletic expression of the same principle is the following: "'In all thy ways know him' (Prov. 3.6),—even as regards transgression (of the ritual or ceremonial law)."³⁹

On the same principle, while all kinds of business is strictly prohibited on the Sabbath, the Rabbis nevertheless permit,

nay, commend such business as appertains to public charity and the general welfare of the community.⁴⁰

It is in harmony with this superior importance of the moral over the ritual or ceremonial commandments, though both were conceived by normative Judaism to be equally obligatory, that in the Rabbis' various well-known summations of the content of the Law we find no mention at all of ritual commandments. In these famous compendia of the Law, the moral commandments alone define the ideal religious life.

One recalls immediately Hillel's famous Golden Rule, given by him to the Gentile who wished to learn the whole Law while he stood on one foot: "Do not do to your fellow what you hate to have done to you. This is the whole Law entire; the rest is explanation. Go, learn."⁴¹ In which statement we find, as Moore remarks, a negative formulation for practical application of Lev. 19.18 ('Thou shalt not take vengeance, nor bear any grudge against the children of thy people, but thou shalt love thy neighbor as thyself'). Moore cites⁴² in this connection the summation of the Law in the *Sifrè*: "What did it (the Law) say to them? Take upon you the yoke of the kingdom of Heaven (the fundamental obligation of religion), and excel one another in the fear of Heaven (reverence for God) and conduct yourselves one toward another in works of love (*gemilut ḥasadim*)"⁴³ R. Akiba's declaration on this point is also well known, namely, that 'Thou shalt love thy neighbor as thyself' (Lev. 19.18) is the most comprehensive rule of the Law. Ben 'Azzai finds this comprehensive rule of the Law in Gen. 5.1 ('This is the book of the generations of man; in the day that God created man, in the likeness of God created He him'), i.e., as Moore points out, in reverence for the divine image in man.⁴⁴ Finally, let us recall the well-known summation of the traditional 613 commandments in *Makkot* (23b-24a): "David came and comprehended them in eleven (Ps. 15, which enumerates the

ideals, all moral by the way, of the ideal man). Isaiah came and comprehended them in six: 'He that walketh righteously, and speaketh uprightly; he that despiseth the gain acquired by oppression, that shaketh out his hands from holding of bribes, that stoppeth his ears from hearing of blood, and shutteth his eyes from looking upon evil, he shall dwell on high, etc.' (Isa. 33.15). Micah came and comprehended them in three: 'It hath been told thee, O man, what is good, and what the Lord doth require of thee: only to do justly, and to love mercy, and to walk humbly with thy God' (Mic. 6.8). Isaiah further comprehended them in two: 'Observe justice and do righteousness' (Isa. 51.1). Amos came and comprehended them in one: 'Seek me and live' (Amos 5.4)." Another Rabbi, at the end of this passage, finds the one comprehensive thought in Habakkuk 2,4: "The righteous shall live by his faith."

How well the Rabbis made their own the Prophets' identification of God with the moral law or religion with the moral life, despite their absorbing interest in the minutiae of the ritual of Judaism, may be strikingly seen again in the significance which the Rabbis chose to see in the parallel arrangement of the two tables of the Decalogue. In the fact that the first commandment ('I am the Lord thy God') is opposite the sixth ('Thou shalt not murder'), the conclusion is derived that murder includes the denial of God; etc.⁴⁵ This is also evident in R. Levi's teaching that the Ten Words are contained in the *Shema'*, for which reason it is obligatory to read the *Shema'* every day. R. Levi finds the ninth commandment ('Thou shalt not bear false witness against thy neighbor') equalling a verse in the third section of the *Shema'*, (Num. 15.41) 'I am your God'. The question is put: "And it is written, (Jer. 10.10) 'And Yhwh is a God of truth' (*emet*). What exactly is the meaning of *emet*? R. Levi said: 'The Holy One, blessed is He, saith, If thou hast witnessed

false witness against thy neighbor, I impute it unto thee as if thou hadst witnessed against Me, that I created not heaven and earth."⁴⁶

3. CLASSIFICATION OF THE COMMANDMENTS:

RATIONAL AND TRADITIONAL (OR REVEALED) COMMANDMENTS

(*Mizwot Sikliot u-Mizwot Shim'iyot*)

When we reach the medieval Jewish religious philosophers we find the Talmudic distinction between the rational or moral commandments, which the Rabbis term *Mishpatim*, and the irrational commandments, to which they refer as the *Huqqim*, elaborated into the *classification* of the commandments into Rational and Traditional (or Revealed) Commandments (*Mizwot Sikliot u-Mizwot Shim'iyot*).⁴⁷

(a) SA'ADIA

(born 892, died 942.)

The first of the medieval religious philosophers to make this classification is Sa'adia Gaon in his most important philosophic work, *Emunot we-De'ot* (Beliefs and Opinions).⁴⁸

After having established in his first two Parts of the *Emunot*, in true Kalamistic fashion, that the world was created and therefore must have a Creator, and that the Creator is indivisible, unique and incorporeal, Sa'adia, in the introduction to Part III,⁴⁹ poses the question as to what was the Creator's purpose in creating the world, and comes to the conclusion that Creation was an act of grace on the part of God. God's grace was especially shown to man in furnishing him with the means of attaining happiness, namely, the Law with its commandments and prohibitions, by obedience to which man can attain perfect happiness. Of course, God could have granted man happiness without imposing upon him the burden of the Law, but such happiness would not be real happiness, and man could not be satisfied with it, for

it would be a happiness that was not merited. Real happiness is a reward, growing out only of achievement, of merit; it is the final result of self-discipline and self-sacrifice. God gave man His law and its numerous commandments and prohibitions, to enable him by this Discipline to achieve his real, his perfect happiness.

This, then, is the purpose of the divine Law, to bring to pass man's happiness.

Now, what does this Law consist of? What is the nature of this Law, and what is its source? Sa'adia explains. The Law consists of, and may be divided into, two classes of commandments, the *Mizwot Sikliyyot*, those commandments that are dictated by human reason, and the *Mizwot Shim'iyot*, those which have their origin in Divine Revelation and which are handed down to us through reliable and tested Tradition. The immediate source of Sa'adia's classification, which after him was adopted by the later Jewish medieval philosophers with the exception of Maimonides, was, of course, the current Mohammedan literature, but, as we have seen before, the basis of this classification is already found in the *Talmud*.

The *Mizwot Sikliyyot* are those rational commandments which our Reason recognizes (*ha-sekel meḥayeb—I.T.*) as intrinsically right or wrong, good or bad, by means of the innate feeling of approval or disapproval which God implanted in our minds. They are anterior to and independent of Revelation and Tradition.

It is of course not surprising that Sa'adia, like all the succeeding Jewish religious philosophers, true to the spirit of the age, included among the rational commandments not only the moral laws but also those pertaining to our proper belief in and worship of God. God's existence, etc., being rationally demonstrated by them, and God's creation of man being conceded as an act of grace, it follows of course that the only rational thing for man to do is to show, by proper worship

of Him, his appreciation of God for His kindness in creating him and giving him the happiness-affording Law. That, indeed, is the demand of man's reason. Reason demands, Sa'adia tells us,⁵⁰ that a benefactor should receive in return for his goodness either a kind reward, if he needs it, or thanks, if he needs no reward. And as this is inevitably demanded by reason, God could not have neglected it in His own case. This is the reason for the commandments which enjoin us to serve Him, and not to offend or revile Him, and for the many other laws bearing upon man's proper worship of God.

Sa'adia now proceeds⁵¹ to prove very briefly but convincingly the rationality of the moral law, or the moral commandments. Murder is irrational and therefore prohibited, because if it were to become universal it would ultimately lead to the destruction of the human race. Sexual promiscuity is irrational and therefore prohibited, for if it were to be universally practised, man would not be different from the lower animals, and one would not know one's father and mother.

The same is true of theft. Universal theft would not only lead to universal indolence, but in the end would defeat its own end, for then there will be nothing more to steal.

Similarly is lying or falsehood irrational. In fact, it is natural to follow truth and unnatural to follow falsehood. For truth conforms to the nature of the thing as it is, while falsehood is against the nature or the essence of a thing. And even when falsehood possesses man no matter how strongly, man's very ego is compelled to make mortal war against it, for it is contrary to man's very nature.

It is apparent, as Dr. Neumark observes in his essay on Sa'adia's philosophy,⁵² that in his proof of the rationality of the moral laws Sa'adia "*anticipates Kant's maxim of the general applicability of a rule of conduct as a postulate of its validity and worthiness.*"

That the binding power of these moral laws lies not in the

fact of their having been revealed, or in the fact of their being confirmed by miracles, but rather in the fact that they are postulates of reason, Sa'adia stresses again elsewhere.⁵³ He tells us that if a prophet tries by his power to perform miracles to persuade us to transgress moral laws, to practise such immoral conduct as theft and adultery, we do not even ask him for a proof of his credentials to true prophecy, namely, his power to perform miracles, because by his urging us to do anything that is against the dictates of reason (*le-mah she-lo yakshirehu ha-sekel*—I. T.) he automatically belies his claim to true prophecy. In fact, the reason for our continued adherence to the Law of Moses and for our refusal to reject his Law in favor of the later Christian and Mohammedan revelations, is that the Law of Moses was originally accepted by Israel not merely because Moses, the giver of this Law, was able to perform miracles (a similar claim having been made also for Jesus and Mohammed), but chiefly because of the ethical and therefore rational principles underlying that Law. And it is this rational or moral essence of the Law of Moses that gives to it its permanence, its eternal value. For this reason the claims by Islam and Christianity, that the Law of Moses was intended only for a limited time and was to be superseded by their newer revelations, are not convincing, for the ethical basis of the Law of Moses makes it eternal and irrevocable.

Again,⁵⁴ Sa'adia expressly states; "And I will say: Perhaps some people fall short in the keeping of this Book (the Torah), because the reason for many of the commandments is not explained. And I will say that it (the Torah) is not the only source of our religion, but that we have in addition to it two other sources. One *precedes* it (the Torah), and this is the well of *reason* (*mabu'a ha-sekel*), and the other follows after it, and this is the well of *tradition* (*moza ha-kabbalah*)".

Here we find Sa'adia, as we have previously seen the Rabbis

of the *Talmud*, anticipating Kant in stressing the absoluteness and autonomy of the moral law (not of course in the extreme sense of its absolute independence of God as its source).⁵⁵ The moral law is not dependent upon revelation or divine statute, but is absolute; it is in the nature of things; it is a compulsion and axiom of our reason. If there had been no Sinaitic revelation, the moral commandments would have obtained anyway. Nay, that they did obtain before that advent, Scripture itself admits, as in the case of the Patriarchs, etc.

But, continues Sa'adia, while Revelation did not create the moral law, it did prove of great service to the progress of the moral law. For while Reason makes known to us the moral law, it does so only by way of general principles, telling us only in a general way that murder, theft, unchastity, and falsehood are wrong. Reason, however, does not give us at once the details of these principles as they apply to the numerous instances in man's complex social life. In order that these rational and eternal general moral principles may really serve socially useful ends, they must be dealt with in detail, in moral and legal codes. This, Revelation and its handmaid—reliable and authenticated Tradition—have done for Israel in the two-fold Written and Oral Law.

As for the *Mizwot Shim'iyot*, the ritual laws, they, unlike the moral laws, are exclusively the product of Revelation, for had they not been given to us by Revelation and handed down to us and expatiated by Tradition, Reason would not accept them, as their apparent basis is not reason.

These ritual commandments, which Reason does not dictate (*debarim en ha-sekel gozer otam*), are inherently neither right nor wrong, but are only made so by the act of God's commandment or prohibition. This is the only reason for our duty to observe them—because God commanded them through

Revelation. In fact, the traditional laws were given to us for the main reason that we may be rewarded for obeying them.

But while these ritual, traditional, or distinctively national laws did not originate from reason, Sa'adia contends (and with him all the medieval Jewish philosophers after him), careful examination of even these laws will reveal to us, at least in the case of some of them, a rational or moral significance. In brief, even our ritual laws are not wholly arbitrary, are not entirely divorced from reason and moral purpose. Indeed, they could not be purposeless, originating as they do from God whose essence is Reason.

Thus the purpose of sanctifying certain days of the year, such as the Sabbath and holy days, is to afford man the opportunity, by abstaining from labor, to devote himself to prayer and to acquisition of wisdom, and to enter into communion with his fellow men in the interests of the higher spiritual life. Likewise, the laws of ceremonial purity have for their moral purpose to teach man humility and to make prayer and the visitation of holy places more precious in his eyes after he had been debarred from these privileges during the periods of ritual uncleanness.

In line with his insistence on the absolute rationality of the Law, at least as concerns its moral commandments, Sa'adia maintains that whenever we find a verse in Scripture which apparently contradicts the truths of reason, it must be interpreted figuratively, and one who successfully interprets it so that it conforms to the data of sense or reason will be rewarded for it.⁵⁶

The *nature* of the Law, therefore, we gather from Sa'adia's division of the commandments, is two-fold—rational and traditional, or moral and ritual; or universal (because moral) and national (because the ceremonial laws of Judaism apply exclusively to Israel).

Similarly, the *source* of this dual-natured Law is the three-

fold source of Reason, Revelation, Tradition (*ha-sekel, ha-torah, ha-kabbalah*), in the order given. Reason and its moral law *preceded* Revelation. Revelation, however, confirmed it and elaborated upon it, and Tradition amplified it by proper interpretation. The *ultimate* source of the Law, of course, is God, for even reason is the creation of God.

(b) BAḤYA IBN PAKUDA

(12th century)

Baḥya in his celebrated ethical and devotional work, *Duties of the Heart* (*Ḥobot ha-Lebabot*), the most popular moral-religious work in Jewish literature,⁵⁷ introduces another distinction into Sa'adia's classification of the commandments, namely, the Duties of the Heart (*ḥobot ha-lebabot*) in contradistinction to the Duties of the Limbs (*ḥobot ha-ebanim*), or practical duties. Baḥya in his *Ḥobot*, as Husik remarks in his chapter on Baḥya,⁵⁸ saw great significance in the distinction made by Mohammedan theologians, and familiar in their ascetic literature, between outward ceremonial observance, known as 'visible wisdom' and 'duties of the limbs', and inward intention, attitude and feeling, called 'hidden wisdom' and 'duties of the heart'.

In the Introduction to his *Duties of the Heart*, Baḥya repeats Sa'adia's statement of the three-fold source of the Law. "The avenues which the Creator has opened for the knowledge of His law and religion", Baḥya tells us, "are three. The first is sound intellect or reason; the second, the Book of His Law revealed to Moses, His prophet, i.e., Scripture or the Written Law; the third, the traditions which we have received from our ancient sages, who in turn received them from the Prophets. These avenues have already been discussed at adequate length by our great teacher Sa'adia."⁵⁹

Baḥya continues: "The science of the Torah, moreover, falls into two parts: The first aims at the knowledge of prac-

tical duties, and is the science of external conduct. The second deals with the duties of the heart, namely, its hidden (sentiments and thoughts), and is the science of the inward life (*ha-ḥakmah ha-zeḥunah*). The practical duties likewise fall into two divisions. The first consists of duties which reason would have enjoined even if the Torah had not made them obligatory,⁶⁰ the second, of duties dependent for their sanction on the authority of Revelation, and of which Reason neither approves nor disapproves, as for example, the prohibition against cooking milk and meat together, wearing garments woven of wool and flax, sowing diverse seeds together and similar precepts, the purpose of which is unknown to us. The duties of the heart, on the other hand, are all rooted in rational principles."

And Bahya continues by citing a few of the affirmative and negative 'duties of the heart': "to believe that the world had a Creator, that He created it *ex nihilo*, and that there is none like unto Him; to accept His unity; to worship Him with our hearts; to meditate on the marvels exhibited in His creatures, that these may serve us as evidences of Him; that we put our trust in Him; that we humble ourselves before Him, and revere Him; that we tremble and be abashed when we consider that He observes our visible and our hidden activities; that we yearn for His favor; that we devote our works to the glory of His name; that we love Him and love those that love Him, and thus draw nigh to Him; that we hate his enemies—and similar duties, not apprehended by the senses."

As to the negative duties of the heart, Bahya tells us that they are the converse of these just mentioned. Also included among them are: that we shall not covet, avenge, nor bear a grudge against our fellows, as it is written, (Lev. 19.18) "Thou shalt not avenge, nor bear a grudge"; that our minds shall not dwell on transgressions, nor hanker after them, nor

resolve to commit them; that we shall abstain from transgressions of a similar character—all of which are purely mental and observed by none but the Creator, as it is written, (Jer. 17.10) "I, the Lord, search the heart; I try the reins"; (Prov. 20.27) "The lamp of God is the soul of man, searching the inward parts".

It goes without saying that, according to Baḥya, the duties of the heart are the most important of all the commandments or duties of the Law. "A careful examination, however", Baḥya continues a little further on, "by the light of Reason, Scripture and Tradition of the question whether the Duties of the Heart are obligatory or not, convinced me that they indeed form the foundation of the precepts, and that if there be any shortcoming in their observance, no external duties whatever can be properly fulfilled". Baḥya then goes on to prove, from Reason, Scripture and Tradition (from Talmudic literature), both the cardinal importance and the obligatoriness of the duties of the heart. Among the sayings of the Rabbis in which Baḥya finds the fundamental importance and obligatoriness of the duties of the heart stressed and illuminated, is the well-known and beautiful dictum, *Raḥamana libba ba'e*: "God requires the heart."⁶¹

Thus, added to the distinction of the Prophets between duties to God and to one's fellow men, which is so emphatically stressed by them in their denunciation of ritual religion that is divorced from social righteousness (a differentiation which we have seen was also made by the Rabbis in their own way), and added to the distinction made by Sa'adia between those rational commandments which the reason makes obligatory even independent of Scripture and tradition and those traditional commandments which revelation alone, fortified by tradition, makes obligatory, we now have Baḥya's new distinction of inward and external duties. As Husik remarks on Baḥya's new distinction: "Ethical practice may be

purely external and a matter of the limbs, quite as much as sacrifice and ceremonial ritual. On the other hand, one may feel profoundly moved with the spirit of true piety, love of God and loyalty to his commandments in the performance of a so-called 'traditional commandment', like the fastening of a 'mezuzah' to the door-post. Bahya finds room for Sa'adia's classification but it is with him of subordinate importance, and is applicable only to the 'duties of the limbs'. Among these alone are there some which the reason unaided by revelation would not have prescribed. The 'duties of the heart' are all rational."⁶²

The main interest and purpose of Bahya, notwithstanding his great emphasis on rational demonstration of all religious dogma, is, as Husik correctly points out, neither the rationalization of Jewish dogma nor the reconciliation of religion and philosophy, but rather the purification of religion itself from within, the stressing of sincerity and purity in words and thought as essentials in the proper worship of God. For such pure worship, Bahya believes, reason, intelligence, are indispensable. For without an intelligent knowledge of God and His Unity, we cannot possibly gain a true understanding of our 'duties of the heart'. From Bahya's point of view, Philosophy makes for a truer and surer faith.

This main purpose of Bahya is very convincingly stated in his Introduction: "So too, if you could not attain knowledge on this subject (the duties of the heart) by the use of your intellect, as, for instance, in regard to those precepts, the acceptance of which rests exclusively on their Scriptural authority, would your excuse for abstaining from research be valid ... But if you are a man of intellect and understanding;—able, by their aid, to obtain certainty on what you have received from the sages in the name of the Prophets in regard to the root principles of Religion and the pivots of practical conduct, you are under an obligation to use your faculties,

till you gain clear and definite knowledge, so that your faith and conduct shall rest on the foundation both of Tradition and of Reason. If, however, you ignore this duty and even willfully violate it, you fall short in the fulfillment of what you owe to your Creator." Bahya continues a little further on: "Scripture expressly bids you to reflect and exercise your intellect on such themes (the Unity of God, etc.). After you have attained knowledge of them by the method of tradition which covers all the precepts of the Law—their principles and details, you should investigate them with your reason, understanding and judgment, till the truth becomes clear to you and false notions are expelled."

And a little further on Bahya tells us that "although in order of time, instruction based on tradition must necessarily precede knowledge obtained by the exercise of reason, inasmuch as learners must rely on what they are taught before they can obtain independent knowledge, yet it would show want of zeal for anyone to rely on tradition alone who can obtain certainty by the method of rational demonstration. Everyone who has the requisite capacity is in duty bound to investigate with his reason whatever can be acquired and to adduce proofs of it by the demonstration which deliberate judgment would support."

Summing up our remarks on Bahya's classification of the commandments, we find the following: To Sa'adia's distinction between the commandments of the Law as Rational and Traditional, Bahya adds another—the Duties of the Heart and the Duties of the Limbs—all of the former being rational. The main point, however, in regard to the source of the moral law, as well as of the Law itself, which was developed by Sa'adia and in which we are particularly interested in this chapter, is equally evident in Bahya despite his new and fine distinction between the commandments. The source of the moral laws (in Bahya, the first division of the 'duties of

the limbs' or practical duties), as in Sa'adia so in Bahya, are those "duties which reason would have enjoined even if the Torah had not made them obligatory"; it is only the ritual commandments that are "dependent for their sanction on the authority of Revelation". The source of the Law, which has these moral laws as its basis, is with Bahya, as with Sa'adia, three-fold—Reason, Revelation and Tradition—Reason being first in time and in importance.

We shall have occasion to return later on, particularly in our discussion of the Motive underlying the idea of duty in Judaism (Chapter V), to Bahya's *Hobot*, a great work which so eloquently stresses the impugned "inwardness" of Judaism, and which in the opinion of the present writer is the most permanent contribution to Judaism of all the great works of our medieval Jewish philosophers.

(c) JUDAH HALEVI

(born Toledo, Spain, last quarter of 11th century,
died about the middle of 12th century.)

Judah Halevi's discussion of the rational and traditional commandments we find in his famous *Kitab Al Khazari*, generally known as "*Kusari*".⁶³

Halevi's attitude towards our classification of the commandments into rational and traditional is clarified by a complete understanding of his attitude toward Reason, the supremacy of which as a basis for faith was so strongly championed, as we have seen, by Sa'adia and especially by Bahya. As Husik remarks: "In principle Judah Halevi agrees with the other Jewish philosophers that true reason cannot be controverted. He differs with them in the concrete application of this abstract principle. He has not the same respect as Maimonides for the actual achievements of the unaided human Reason, and an infinitely greater respect for the traditional beliefs of Judaism and the Biblical expressions taken

in their obvious meaning. Hence he does not feel the same necessity as Maimonides to twist the meaning of Scriptural passages to make them agree with philosophical theories.”⁶⁴

Halevi does admit that reason is an important guide and that there is nothing in the Bible that contradicts reason. “Heaven forbid that there should be anything in the Bible to contradict that which is manifest or proved!”⁶⁵ But to Halevi a religion based merely upon reason, on mere rational speculation and argument, is not good enough. To Halevi a more immediate and more authoritative source of divine knowledge than the philosopher’s Reason, is Tradition—the well authenticated tradition possessed by Israel—which it received directly from God through the medium of Prophecy. This tradition-vouched revelation of God’s will, to Halevi, is absolutely valid, inasmuch as it was given to us through Moses on Mount Sinai in the presence of the whole nation of Israel and has been since that time most carefully and reverently handed down to us by an unbroken chain of accredited teachers of Israel. Indeed, the truths of religion are so profound that they cannot be reached by mere reason and philosophy. And it is for this reason that the philosopher cannot, as the prophet can and does, attain to the specifically religious truths of a personal God, of Creation, Providence, etc. Only prophetic and spiritual insight, and not mere rational proofs of the philosopher, can arrive at these profound truths. Tradition, Halevi insists, is the surer foundation for religious truth. And Israel possessing a genuine and indisputable tradition, handed down to it through a successive line of prophets, possesses therefore this surer source of truth.

Thus Halevi does not have to trouble himself, as the philosophers had to before him, to prove the existence of God by means of logical demonstration. Halevi rather points to the history of the Jewish people and God’s providential and wonderful acts in its behalf as a surer proof of the existence

of God.⁶⁶ And after hearing this recital of God's acts in behalf of Israel in Israel's history, the King of the Khazars is compelled to reply: "This is, in truth, divine power and the commandments connected with it must be accepted."⁶⁷

And that of course means to Halevi, *all* the commandments; for aren't they all—ceremonial no less than moral—of the same God who has revealed Himself in Israel's history?⁶⁸ They are all essential, for they are all, whether we understand the reason for some of them or not, vouched for by that same sure source of knowledge—Tradition.

Thus Halevi insists on the inherent value of the ceremonial laws, including sacrifice. And while to Sa'adia and especially to Bahya, as we observed, the value of the traditional or ceremonial laws is proved by the test of rationality, which test naturally makes the rational or moral laws the more important laws of the Bible (Bahya's all-important duties of the heart, we may recall, are all rational), to Halevi there is no superior importance in the ethical commandments over the ceremonial. For aren't the latter equally vouched for by tradition? To be sure, the ethical laws, Halevi insists, are indispensable, for without them, as Sa'adia and Bahya taught before him, social life would be impossible. But these ethical laws are part and parcel of every religion, in fact, are not peculiar to religion at all. What makes a particular religion peculiar is its ceremonial practices, and what makes Judaism different from all other religions is the ceremonial practices peculiar to it. Judaism, in brief, is the *national* religion of Israel. Through the ceremonial laws of Judaism, Israel received the advantage of the 'Divine Influence', which distinguished it from the other nations. When the prophets denounced sacrifice, Halevi tells us, they only meant that sacrifice alone, without the observance of the rational or moral laws, is not sufficient. In fact, so insists Halevi, a

Jew forfeits the privilege of observing the ceremonial commandments if he fails to obey the moral precepts.

To the Rabbi's question: "Dost thou think that this (the proper approach to God) can be gained by meekness, humility, etc., alone?", the King of the Khazars replies: "Certainly, and rightly so. I think I read in your books as follows: 'What doth the Lord thy God require of thee, but to fear the Lord thy God' (Deut. 10.12), and 'What doth the Lord require of thee, etc.' (Mic. 6.8), and many similar passages." To which the Rabbi replies as follows: "These are the *rational laws, being the basis and preamble of the divine Law, preceding it in character and time*, and being indispensable in the administration of every human society . . . When Israel's disloyalty had come to such a pass that they disregarded rational and social principles, which are as absolutely necessary for society as are the natural functions of eating, drinking, etc., for the individual, but held fast to the sacrificial worship and the other divine laws, i.e., the traditional laws, He was even less satisfied therewith. It was told to them: 'Haply you might observe these laws which rule the smallest and meanest community, such as refer to justice, good actions, and recognition of God's bounty.' For the divine law cannot become complete till the social and rational laws are perfected. The rational law demands justice and recognition of God's bounty. What has he, who fails in this respect, to do with offerings, Sabbath, circumcision, etc., which reason neither demands nor forbids? These are, however, the commandments *especially given to Israel as a corollary to the rational laws*. Through this they receive the advantage of the Divine Influence, without knowing how it came to pass that the 'Glory of God' descended upon them and the 'fire of God' consumed their offerings; how they heard the allocution of the Lord; and how their history developed. These are matters which reason would refuse to believe if they were not

guaranteed by irrefutable evidence. In a similar sense, it was said to them: 'What doth the Lord thy God require of thee?' (Deut. 10.12), and 'Add your burnt offerings' (Jer. 7.21), and similar verses. Can it be imagined that an Israelite observe 'the doing of justice and the loving of mercy', but neglect circumcision, Sabbath, and the other laws, and felt happy withal?"⁶⁹

Indeed, it is true, as the King of the Khazars tells the Rabbi, we do not understand the rational significance of the ceremonial laws, in particular the meaning of the institution of sacrifice, but, as the Rabbi answered, we likewise do not understand why the rational soul does not attach itself to man's body except when the physical parts of the body are arranged in a certain way, though the Reason does not need any food or drink for itself: "The deeper signification of this (the details of the sacrificial system) was to create a well-arranged system, upon which the King should rest in an exalted, but not local sense, as a symbol of the Divine Influence. Consider the reasoning which dwells in the perishable body. If its physical and noble faculties are properly distributed and arranged, raising it high above the animal world, then it is a worthy dwelling for King Reason, who will guide and direct it, and remain with it as long as the harmony is undisturbed. As soon, however, as this is impaired, he departs from it." And so Halevi goes on to show that in a similar manner does the Divine Influence dwell among Israel only when the sacrificial system is properly functioning in accordance with the Biblical laws regulating it, though the Divine Influence is independent of the sacrificial system even as man's reason is independent of food and drink, etc. Why this should be so, Halevi does not attempt to explain. "He who accepts this completely without scrutiny or argument is better off than he who investigates and analyses", Halevi contends at the end of the long para-

graph⁷⁰ in which he beautifully pictures the noble symbolization of the sacrificial system.

In some instances, Halevi explains, the significance of certain ceremonial laws is clearer than in others. This is the case with the various festivals, that are symbolic of God's providence over Israel; and this is likewise true of the Sabbath, which is a symbol of Israel's exodus from Egypt and the creation of the world, both of which therefore make indirectly for a rational belief in God.⁷¹

To Halevi, in brief, the ceremonies of Judaism take on a special and lofty *national significance*. They are the peculiar and sacred possessions, nay, the *prerogatives of Israel as a nation*. They not only distinguish Judaism from all other religions, but likewise distinguish Israel from all the nations of the earth. They mark off Israel as God's peculiar and treasured people. They in fact produce the Fifth Kingdom—the Prophet or the Prophet-People: Israel. From this national viewpoint, they are, to Halevi, even more important to Israel as a nation than the moral commandments. However, the latter, even with Halevi, are most important indeed. The moral commandments of the Law are in fact “the basis and preamble of the divine law, *preceding it in character and time*.” Indeed, they are so important that a Jew dare not even observe the ceremonial or traditional or national commandments if he fails to practise simultaneously the moral commandments. Israel's special glory consists in observing not only the universal, i.e., the ethical commandments of the Law, but in addition, its peculiarly own, its specifically national, i.e., ceremonial laws.

As with Sa'adia and Bahya, so with Halevi, then, the nature of the Law is two-fold: universal or moral and national or ceremonial. The former gives to the Law its universal and eternal character; the latter gives to it its national dis-

tinctiveness. Halevi reveres the former, and loves and glories in the latter.

(d) ABRAHAM IBN EZRA

(*born at Toledo, Spain, 1092, died 1167.*)

Abraham Ibn Ezra's discussion of the classification of the commandments is found in his Biblical Commentary, wherein, mostly, are scattered his philosophical views. In his comment on Ex. 20.2 we find Ibn Ezra's two-fold classification of the commandments. In Ibn Ezra's first classification we find him dividing the commandments into two classes as follows: (1) Innate or Rational Laws, i.e., laws planted by God in the mind of every rational being, of which there are many in the Torah. In fact, all the laws of the Ten Commandments belong to this class, with the exception of the one regarding the Sabbath, which explains why all mankind believe in them and why Abraham observed them all before the Sinaitic Law was given. Those laws, in other words, because they are rationally innate, are universal, and *antedate any special divine legislation*. (2) The Hidden Laws: These are the laws for which the reason is not given. However, Ibn Ezra warns us, we must not, God forbid, suppose for a moment that there is any law among these Hidden Laws which is against reason, and it is our duty to observe them all, whether we understand the reason for them or not. In fact, if we find that any one of these laws appears unreasonable, we must not take it in its literal sense, but rather seek its hidden meaning. Indeed, if we search Scripture, we will, so Ibn Ezra assures us, find reasons for at least some of these laws, as in the case of the Sabbath, concerning which we are told there that it is a memorial of creation; likewise concerning the festival of Passover, the reason for which is also given,—(Deut. 16.3) “in order that thou mayest remember the day that thou wentest forth from the land of Egypt all the days

of thy life, etc." And concerning all these Hidden Commandments for which no reason is given in the Scriptures, the perceiving person, Ibn Ezra states, can, by the aid of the above examples, succeed in finding similar reasons himself. It is thus evident from Ibn Ezra's above mentioned first classification of the commandments, that he adopts Sa'adia's division of the laws into rational and traditional commandments.

Ibn Ezra's other classification of the commandments is as follows: (1) Commandments of the Heart; (2) Commandments of the Tongue; and (3) Commandments of Action. All these commandments are again divided into mandatory and prohibitive commandments. Examples of the Commandments of the Heart are: "Thou shalt love the Lord thy God, thou shalt hearken unto His voice and cleave unto it, etc." (Deut. 30.20), and "Thou shalt not hate thy brother in thy heart" (Lev. 19.18). To the Commandments of the Tongue, belong such commandments as the reading of the *Shema'*, grace after meals, and the priestly benediction. As to the Commandments of Action they are many, in fact, too numerous to mention. Of all these commandments, Ibn Ezra teaches, the Commandments of the Heart are the most important. The second classification of Ibn Ezra's is reminiscent, of course, of Bahya's classification of the commandments into the Duties of the Heart (Ibn Ezra's no. 1) and the Duties of the Limbs (including Ibn Ezra's Nos. 2 and 3: the Commandments of the Tongue and of Action).

(e) ABRAHAM IBN DAUD (RABAD)

(born Toledo, Spain, about 1110, died about 1180.)

We meet our next discussion of our rational and traditional commandments in the *Emunah Ramah* (Exalted Faith) of Abraham Ibn Daud, a contemporary of Judah Halevi and the great forerunner of Maimonides.⁷²

In his third and last—the ethical part of his work entitled “*Medicine of the Soul*”⁷³—Ibn Daud teaches that the Torah is a Rule of Life which may be divided into five parts. First, precepts of Belief; second, moral teaching; third, rules for family life; fourth, laws regulating social and political life; fifth, “those commandments which were decreed by God’s wisdom”—our old Traditional Commandments—the purpose of which is not evident to reason.

Not all of these parts are of equal significance, Ibn Daud teaches. First in importance is belief. Second, are the moral laws which govern social and moral conduct, and without which social life is impossible. This is why all the nations of the earth agree upon them. Even a band of thieves cannot operate without certain rules of honesty and equity. Our fifth part represents our ceremonial commandments, the purpose for which is unknown to us, and which are least in importance. In support of this contention, Ibn Daud brings to his aid some of the well-known Biblical statements in depreciation of animal sacrifice. However, Ibn Daud finally concedes that even in the ritual commandments, aye, even in the case of sacrifice, some sort of rational good, no matter how inferior, is implied. For the bringing of a sacrifice leads to the sinner’s confession of his sins before the priest, as Scripture enjoins (Lev. 5.5), which in turn leads him to self-examination and to repentance. In fact, strange as it may seem, Ibn Daud in the end insists that there is one sense in which the ritual commandments are of even greater importance than the moral commandments, namely, that by one’s obedience to them, despite their apparent lack of rational justification, an obedience prompted only by the reason that God had ordained them, one evinces one’s real faith in God and in His wisdom. Indeed, so Ibn Daud proceeds to argue, why should the pious Jew, convinced as he is of the truthfulness of genuine prophecy which reveals to him God’s providence,

unmistakably recognizing as he does God's providence in the God-inspired deeds of Moses, who freed his people and performed wonders for them and was held in high honor by his people, who also gave them a divine law, based, on the whole, on reason, and through whose instrumentality man may achieve happiness—why, asks Ibn Daud, should the pious Jew hesitate to accept in good faith a few ceremonial commandments which this great prophet gave as the decree of God (*gezerat ha-melek*) even though he is unable to see any reason for them! To observe these is, then, in truth a test of faith, even as in the case of Abraham, who showed his unquestioning readiness to sacrifice his only son Isaac, despite his inability to reconcile such a command with God's former promise that through Isaac his seed shall be established. And on this very note indeed, Ibn Daud concludes his *Emunah Ramah*: "The acceptance of these subtle commandments on pure faith, shows the difference between belief and unbelief."

Thus, as Husik observes, even Ibn Daud, the great rationalist, who exalted reason more than any of his predecessors—the good Jew that he was—in the end finds an important place for the two other Rabbanite sources of the Law—Revelation and Tradition—and especially in those instances when they are not wholly supported by Reason. For Revelation and Tradition, Ibn Daud in the end finds an important place indeed, though of course not as great a place as is occupied in his highly rationalist system by Mistress Reason herself.

(f) JOSEPH BEN JACOB IBN ZADDIK

(died at Cordova, Spain, 1149.)

Joseph ben Jacob Ibn Zaddik, in his *'Olam Katon* or *Microcosm*,⁷⁴ takes for granted, and alludes briefly to, the distinction first made by Sa'adia between the rational and traditional commandments. We find his brief comments on this distinction in the fourth and last part of the *'Olam Katon*, which

deals with the duties of man, with reward and punishment and resurrection.

Like Sa'adia and Bahya before him, Ibn Zaddik teaches that the commandments, even like the act of creation, were given to man as an act of divine grace and were intended solely for man's highest good in this world, that he may, by obedience to them, attain proper spiritual reward in the world to come.⁷⁵ Thus the commandments are based on reason, as they are intended for man's welfare. As for Israel, these commandments, both rational and traditional, are, even like Prophecy, Israel's special marks of God's grace, by which Israel as a nation has been specially distinguished, and by obedience to which it may achieve its well-being and spiritual excellence.⁷⁶

Concerning the traditional commandments, such as those which enjoin certain holy seasons and decree certain places as holy, and the like, Ibn Zaddik tells us, it is true that many of them seem to have no justification in reason (*huẓ la-sekel*), but that is only because *we* cannot grasp the hidden reason or purpose behind them. There is reason indeed for every one of the traditional commandments, if not in our minds, then in the mind of God. There is a subtle purpose, Ibn Zaddik assures us, in every traditional commandment.⁷⁷

In fact, in the case of some of these traditional commandments we are able to perceive the reason for their having been enjoined, Ibn Zaddik argues in the spirit of his predecessors, as for example, the Sabbath, the rational significance of which is two-fold. Firstly, the Sabbath, which in Genesis we are enjoined to sanctify as a sign of the completion of creation, teaches us that the world was created, and therefore has a Creator whom we ought to be eager to worship. Secondly, "the Sabbath is a symbol of the World to Come. For even as one who has not prepared his food for the Sabbath during the week-days has nothing to eat on the

Sabbath, so likewise if one does not prepare himself with good deeds in this world for the world to come, there will be nothing for him in the world to come".⁷⁸

To the question whether God could have so arranged things that man should enjoy happiness and future bliss without the commandments, Ibn Zaddik replies, following Sa'adia, that such a possible ordering of things would not conform to reason, which could not permit that such precious reward be given to one who has not deserved it.⁷⁹

(g) MOSES MAIMONIDES

(born in Cordova, Spain, 1135, died in Cairo, Egypt, 1204.)

Maimonides, the great rationalist, naturally opposes the long-standing classification of the commandments, first elaborated by Sa'adia, in the sixth chapter of his *Shemonah Peraḳim* (The Eight Chapters)⁸⁰, which is Maimonides' Introduction to the Tractate *Abot* (*Petiḥat Abot*) in his celebrated Commentary on the Mishnah (*Perush ha-Mishnah*). In the *Shemonah Peraḳim*,⁸¹ Maimonides, as is well known, attempted to harmonize rabbinic Judaism with Aristotle's Nichomachean Ethics. The subject of this chapter is the difference between the saintly man (the Ḥasid), the man who has an innate and natural desire for the good, performing it without any inner struggle, and him who does good only as a result of the prior overcoming of his inner struggle against the baser forces of his nature, the one who, in brief, is called upon to curb his passions. It is the former, according to Maimonides, (who in this matter is in agreement with Aristotle), who is the superior ethical type.

Maimonides touches disapprovingly on Sa'adia's classification of the commandments, when he comes to his characteristic harmonization of some of the statements of the Rabbis touching upon the Ḥasid with the apparently contradictory statements on the truly virtuous man of 'the philosophers'. The

Rabbis, it seems, prefer to teach that the more virtuous man is he who succeeds in acting morally after being called upon to conquer his Evil *Yezer*, which teaching is summed up, says Maimonides, in their saying, "Whosoever is greater than his neighbor has likewise greater evil inclination."⁸²

Maimonides' harmonization consists in making our longstanding distinction between the commandments, refusing, however, to designate the moral commandments as exclusively rational. The moral laws, such as the injunctions against murder, theft, fraud, etc. (Maimonides calls them here *mizwot*; in his *Moreh* [III, Ch. 26] he calls them *mishpatim*) are those concerning which, writes Maimonides, the Rabbis said: "If they had not already been written in the law, it would be necessary to add them."⁸³ Maimonides continues in the next sentence with his criticism of Sa'adia, though not mentioning his name: "Some of our later sages, who were infected with the unsound principles of the Mutakallimun, called these the Rational Laws (*Mizwot ha-Sikliyot*).⁸⁴" The Rabbis, so Maimonides believes, in praising the man who does good only as a result of struggle against his desires, had in mind, not the man who has to struggle against *moral* misdeeds, for no good man has any desire for the latter. When they speak of the man who has more merit by virtue of his conquering his desires than the man who is possessed of no temptation, they had in mind only the ceremonial prohibitions (which he calls here *huqqot*), such as partaking of meat and milk together, etc., which had they not been prohibited in the Law, would not be considered transgressions. (Maimonides here quotes the passage from the *Sifra* and *Yoma* which we quoted above.) Not to obey these ritual commandments is indeed the natural inclination of man, for it is just these commandments, in the words of the Rabbis in the above-mentioned quotations, "which the nations of the world attack and which Satan denounces"; they are observed by us only because God

commanded them, and not because we have a natural inclination toward them. To obey these laws, we indeed have to struggle against our natural desires. It is therefore concerning these laws, argues Maimonides, that the Rabbis taught that he who conquers his desire in order to obey them has more merit than he who obeys them without temptation.

Maimonides further discusses the nature of the commandments in his *Moreh*,⁸⁴ where he again makes the Rabbis' and Sa'adia's distinction between the *mishpatim*, the moral commandments, whose object is generally evident, and the *huqqim*, such as wearing garments of wool and linen, etc., whose object is not generally clear.

Maimonides' reason for objecting to Sa'adia's classification, while unconsciously making this distinction himself, is obviously his fear that the mere designation of the moral commandments (in contradistinction to the ritual commandments) as rational would induce the impression, even if only at first thought, that the ritual commandments have no rational purpose at all, that they are only the arbitrary decrees of an arbitrary God, who gave these commandments without any reason or useful purpose. This would of course be in utter variance with Maimonides' Aristotelian idea of God as pure Reason. And it is in line with this principle that Maimonides made his celebrated attempt to prove that all the ceremonial laws, even those for which no reason is given in the Bible and for which no rational purpose could otherwise be discovered, are based on reason and are intended by God for man's benefit.

"All of us", writes Maimonides,⁸⁵ "the common people as well as the scholars, believe that there is a reason for every precept, although there are commandments the reason for which is unknown to us, and in which the ways of God's wisdom are incomprehensible. This view is distinctly expressed in Scripture; comp. 'righteous statutes and judgments'

(Deut. 4.8); 'the judgments of the Lord are true, and righteous altogether' (Ps. 19.10). These are commandments which are called *huqqim* ('ordinances'), like the prohibition of wearing garments of wool and linen, etc. Our sages use in reference to them phrases like the following: 'These are the things which I have fully ordained for thee, and you dare not criticise them', etc. But our Sages generally do not think that such precepts have no cause whatever, and serve no purpose; for this would lead us to assume that God's actions are purposeless. On the contrary, they hold that even these ordinances have a cause, and are certainly intended for some use, although it is not known to us, owing either to the deficiency of our knowledge or the weakness of our intellect. Consequently there is a cause for every commandment; every positive or negative precept serves a useful object; in some cases the usefulness is evident, e.g., the prohibition of murder and theft; in others the usefulness is not so evident, e.g., the prohibition of enjoying the fruits of a tree in the first three years (Lev. 19.23), or of a vineyard in which other seeds have been growing (Deut. 22.9). Those commandments, whose object is generally evident are called *mishpatim* ('judgments'); those whose object is not generally clear are called *huqqim* ('ordinances'). Thus they say, in reference to the words of Moses: (lit.) 'for it is not a vain thing for you' (Deut. 32.47):—'It is not in vain, and if it is in vain, it is only through you'. That is to say, the giving of these commandments is not a vain thing and without any useful object; and if it appears so to you in any commandment, it is owing to the deficiency in your comprehension". Maimonides then continues to tell us of the 'famous saying' that Solomon knew the reason for all the commandments except that of the 'red heifer', and he further recalls to us the statement of the Sages, that God concealed the causes of the commandments lest people should despise them, as Solomon did

even in respect to some commandments the reason for which is clearly stated (the commandments enjoining the King from increasing the number of horses and wives, Deut. 17.16, 17). Maimonides, however, recalls the statement of the Rabbis in *Genesis Rabbah* (44.1), which actually implies that some commandments have no other reason than the fact that they are divinely ordained, and that they apparently do not serve any useful object, viz., "What difference does it make to God whether a beast is killed by cutting the neck in front or in the back? Surely the commandments are only intended as a means of trying man, in accordance with the verse, (Ps. 18.31) 'The word of God is a test' (lit. tried)." But Maimonides characteristically reconciles this difficulty as follows: "Although this passage is very strange, and has no parallel in the writings of our sages, I explain it, as you shall soon hear, in such a manner that I remain in accord with the meaning of their words and do not depart from the principle which we agreed upon, that the commandments serve a useful object." And Maimonides continues with the explanation, which was later to be criticised by the Karaite Aaron ben Elijah in his *'Ez ha-Hayyim* (which see below), namely, that his principle that there is a reason for all the commandments applies only to their general character but not as regards their details. "Thus killing animals for the purpose of obtaining good food is certainly useful; that, however, the killing should not be performed by *nehirah* (poleaxing the animal), but by *shehitah* (cutting the neck), and by dividing the oesophagus and the wind-pipe in a certain place, these regulations and the like are nothing but tests for man's obedience. In this sense you will understand the example quoted by our sages (that there is no difference between killing the animal by cutting its neck in the front and cutting it in the back). But Maimonides, though satisfying himself with this reconciliation in regard to the above mentioned passage in *Genesis*

Rabbah, nevertheless proceeds in his characteristic all-rationalizing vein, to rationalize this very commandment even as to its details: "I give this instance only because it has been mentioned by our Sages; but in reality (there is some reason for these regulations). For as it has become necessary to eat the flesh of animals, it was intended by the above regulations to ensure an easy death and to effect it by suitable means; whilst decapitation requires a sword or a similar instrument, the *shehitah* can be performed by any instrument; and in order to ensure an easy death our Sages insisted that the knife should be well sharpened."

Nevertheless, Maimonides continues to stress his principle, that the reason for the commandments may be ascertained only as regards the general purpose of the commandments and not as to their details, which principle he explains again in regard to the commandments concerning sacrifices: "The law that sacrifices should be brought is evidently of great use (explained in his celebrated Chap. 46, *ibid.*); but we cannot say why one offering should be a lamb, whilst another is a ram; and why a fixed number of them should be brought. Those who trouble themselves to find a cause for any of these detailed rules, are in my eyes void of sense; they do not remove any difficulties, but rather increase them. Those who believe that these detailed rules originate in a certain cause, are as far from the truth as those who assume that the whole law is useless. . . The repeated assertions of our Sages that there are reasons for all commandments, and the tradition that Solomon knew them, referred to the general purpose of the commandments, and not to the object of every detail. . . This being the case, I find it convenient to divide the six hundred and thirteen precepts into classes; each class will include many precepts of the same kind, or related to each other by their character. I will (first) explain the reason of each class, and show its undoubted and un-

disputed object, and then I shall discuss each commandment in the class, and expound its reason. Only very few will be left unexplained, the reason for which I have been unable to trace unto this day.—(Which, for Maimonides, is a remarkable admission indeed!) I have also been able to comprehend in some cases even the object of many of the conditions and details as far as these can be discovered.”⁸⁶

And what is the purpose of all the laws of the Bible, according to Maimonides? Maimonides states:⁸⁷ “The general object of the Law is two-fold: the well-being of the soul, and the well-being of the body (*tikkun ha-nefesh we-tikkun ha-guf*). The well-being of the soul is promoted by correct opinions. . . The well-being of the body is established by a proper management of the relations in which we live one to another. This we can attain in two ways: first by removing all violence from our midst; that is to say, that we do not every one as he pleases, desires, and is able to do; but everyone of us does that which contributes towards the common welfare. Secondly, by teaching everyone of us such good morals as must produce a good social state. Of these two objects, the one, the well-being of the soul, or the communication of correct opinions, comes undoubtedly first in rank, but the other, the well-being of the body, the government of the state, and the establishment of the best possible relations among men, is anterior in nature and time. The latter object is required first; it is also treated (in the Law) most carefully and most minutely, because the well-being of the soul can only be obtained after that of the body has been secured. For it has already been found that man has a double perfection: the first perfection is that of the body, and the second perfection is that of the soul. The first consists in the most healthy condition of his material relations, and this is only possible when man has all his wants supplied as they arise; if he has his food, and other things needful for his body, e.g.,

shelter, bath, and the like. But one man alone cannot procure all this; it is impossible for a single man to obtain this comfort; it is only possible in society, since man, as is well known, is by nature social.

"The second perfection of man consists in his becoming an actually intelligent being; i.e., he knows about the things in existence all that a person perfectly developed is capable of knowing. This second perfection certainly does not include any action or good conduct, but only knowledge, which is arrived at by speculation, or established by research.

"It is clear that the second and superior kind of perfection can only be attained when the first perfection has been acquired. . . . But when a person is in possession of the first perfection, then he may possibly acquire the second perfection, which is undoubtedly of a superior kind, and is alone the source of eternal life. The true Law, which as we said is one, and beside which there is no other Law, viz., the Law of our teacher Moses, has for its purpose to give us the two-fold perfection. It aims first at the establishment of good mutual relations among men by removing injustice and creating the noblest feelings. In this way the people in every land are enabled to stay and continue on one condition, and every one can acquire his first perfection. Secondly, it seeks to train us in faith, and to impart correct and true opinions when the intellect is sufficiently developed. Scripture clearly mentions the two-fold perfection, and tells us that its acquisition is the object of all the divine commandments. Comp. 'And the Lord commanded us to do all the statutes, to fear the Lord our God, for our good always, that He might preserve us alive as it is at this day' (Deut. 6.24). Here the second perfection (true faith and correct opinion) is first mentioned because it is of greater importance, being, as we have shown, the ultimate aim of man's existence. This perfection is expressed in the phrase, 'for our good always'. You know the

interpretation of our Sages: 'that it may be well with thee' (ibid. 22.7), namely, in the world that is all good, 'and that thou mayest prolong thy days' (ibid.), i.e., in the world that is all eternal. In the same sense I explain the words, 'for our good always', to mean that we may come into the world that is all good and eternal, where we may live permanently; and the words, 'that He might preserve us alive as it is at this day', I explain as referring to our first and temporal existence, to that of our body, which cannot be in a perfect and good condition except by the co-operation of society."

Maimonides then proceeds⁸⁸ to divide the commandments of the Law into four classes: (1) the commandments teaching true beliefs and ideas, viz., the existence of God, His unity, His incorporeality, His eternity; (2) legal and moral precepts, such as justice and the acquisition of other moral virtues; (3) the narratives and genealogies of Genesis; (4) the ceremonial commandments.

And Maimonides insists that all these four classes of commandments stand up to the test of his principle, viz., "Every one of the 613 commandments serves to inculcate some truth, to remove some erroneous opinion, to establish proper relations to society, diminish evil, to train in good manners, or to warn against bad habits. All this depends on three things: opinions, morals, and social conduct."⁸⁹

The reason for the first two classes is of course obvious, says Maimonides. True beliefs and ideas regarding God are indispensable to the highest good of man, which is true knowledge of God and the perfection of the soul. So, too, are justice and proper social conduct an indispensable prerequisite to man's highest end—intellectual perfection. Our third class—the narratives of the Bible—Maimonides explains (ibid. ch. 50), even like the direct commandments, help "to establish a principle of faith, or to regulate our actions, and to prevent wrong and injustice among men". Thus the gene-

ology of the nations (Gen. 5 and 10) are given to further establish "the fundamental principle of the Law, that the Universe was created *ex nihilo*, and that of the human race, one individual being, Adam, was created". If these geneologies were not given, considering the fact that "as the time elapsed from Adam to Moses was not more than 2500 years, people would have doubted the truth of that statement if no information had been added." Likewise, "the accounts of the flood (ibid. 6.8) and of the destruction of Sodom and Gomorrah (ibid. 19) serve as an illustration of the doctrine that 'Verily there is a reward for the righteous; verily He is God that judgeth in the truth' (Ps. 58.12); etc."⁹⁰

And so even in regard to the ceremonial laws. Though the moral purpose is not apparent in some of them, they likewise teach, by implication, true beliefs, justice and moral qualities. Maimonides' rationalization of most of the ceremonial laws is well known. The reasons for the Law's prohibition of such things as magic, of mixing diverse kinds of seeds in planting, wearing garments made of a mixture of wool and flax, cutting of the beard and earlocks, etc., are that these practices were in one form or another connected with the customs of the ancient idolatrous nations, and these laws were thus intended to keep Israel away from 'the ways of the Amorite'.⁹¹ The purpose of the dietary laws is of course hygienic, and they are meant to guard us against excess and self-indulgence. The laws of *sheḥitah* (slaughter of animals) are humanitarian in their nature.⁹² Circumcision is intended to guard us against sexual excess.⁹³

It is only in his explanation of the laws regarding animal sacrifice that Maimonides significantly leaves his rationalistic ground and is bold enough to state that animal sacrifice was a concession on the part of God to the idolatrous tendencies of the Israelites, living as they did in an environment of idolatrous nations who considered animal sacrifice as the

proper mode of worshipping their gods, the stars. And so as a pedagogic means to sounder worship, God commanded Israel in the Law to bring animal sacrifices, not to the stars but unto Him.⁹⁴

And so Maimonides finally proceeds to divide the Pentateuchal laws into fourteen classes, following here the divisions in his celebrated legal code, *Yad ha-Ḥazakah*, explaining in turn in his well known rationalistic fashion the purpose of all the commandments, including mostly all of the ceremonial laws.⁹⁵

(h) AARON BEN ELIJAH OF NICOMEDEA

(born about 1300, died in Constantinople, 1369.)

In the 14th century Karaite work of Aaron ben Elijah of Nicomedia, *Ez ha-Ḥayyim* (The Tree of Life), we find another interesting discussion—our last in the medieval philosophers—of the rational and traditional commandments.⁹⁶ Aaron ben Elijah not only agrees with Maimonides, on whose *Guide* his philosophical work is modelled, that all commandments of the Bible, including the ceremonial (which are referred to in this work as *Mizvot ha-Toriot* [Scriptural or Divine Commandments]), are based on reason, that they all have a purpose and are not due to the arbitrary will of God (*gezerat ha-melek*), but goes Maimonides one better. Aaron ben Elijah would find a rational or moral purpose not only in the general nature of all the ceremonial commandments, as Maimonides on the whole insisted, but even in all their details.

Aaron ben Elijah would insist on putting the Scriptural Laws in the same category with the rational laws, for were not the former given by the same Lawgiver who gave us the ethical laws? As far as their purposiveness is concerned, therefore, so he concludes, they are all of one kind.

Even the concession made by some of our medieval author-

ities, that the possible rational quality in these Scriptural laws is the reward vouchsafed for their observance, does not satisfy Aaron ben Elijah. Reward alone as an end cannot make an act good. If this were so, robbery and falsehood would also have to be considered good, for they too have rewards!

A purposeless act, argues Aaron ben Elijah, is irrational, and we dare not ascribe irrational acts to God.

Besides, Israel is exalted in the Bible as 'a wise and understanding people' (Deut. 4.6). How, then, can they deserve this distinction if they themselves were to admit that some of the commandments of their Law have no sure rational foundation?

Aaron ben Elijah will not even be satisfied on this subject with Ibn Zaddik's contention that the rational purpose in some of the ritual laws that is not discernible to man exists in the mind of God. This view he cannot accept, for if we cannot discern the purpose in a commandment, Aaron ben Elijah convincingly argues, how can we properly obey that commandment? How can we thus avoid evil, and how can man be justly held responsible and therefore subject to reward and punishment?

There must therefore be a purpose in these *Mizvot Toriyot*, no less than in the rational commandments, and it behooves us to attempt to discover the purpose or good in them.

Thus after a very involved argument, aiming to prove that the purpose of the Scriptural Laws cannot be found in the laws themselves, nor in the untenable assumption that these laws were given by the Lawgiver for His own sake, or *directly* (see below) for the good of man, or for the good of the physical world or Nature, which has no relation at all to these laws, Aaron ben Elijah concludes that the purposiveness of these laws must be sought elsewhere. He continues as follows: "The Sage (Jeshua ben Judah, Karaite philosopher of the 11th century) taught that there is an intimate relation-

ship between that which leads up to a thing and the thing itself. Now the philosopher (Maimonides) taught that the purpose of the commandments of the Law is of a two-fold nature, namely, the improvement of the body and the soul or mind, and man succeeds in this by virtue of the development of his intellect. By practising the rational commandments, man's dual nature is perfected. But since man's *Yezer*, or nature, is inclined to evil and the rational commandments alone are on that account not sufficient to make him walk in the paths of virtue, God in His goodness also gave man, in addition to the rational commandments, "barriers and fences" (*gederot u-seyagim*), although these are not of the category of reason, in order to help him observe the rational laws, and these are called *Mizwot Toriyot* (Scriptural or Divine Laws)."

Some of these Scriptural laws are indifferent as concerns reason, as the prohibition of using articles mixed of wool and linen, eating swine's flesh, and the Sabbath. Again, others are even contrary to reason, and even entail violence, such as circumcision. Nevertheless, the Torah aims through all of them at the dual perfection of man, *indirectly* of course, by enabling us to perform those things which are beyond them, thereby leading us in fact to the performance of the rational commandments.

The *Mizwot Toriyot*, in brief, are *pedagogues* to the rational commandments (*nehulim le-mizwot ha-sikliyot*), which explains why the Torah made them obligatory. If it were not for this pedagogic reason, these Scriptural Laws would have indeed been useless, and would not have been given in the Torah. For as Jeshua (ben Judah) said, if the Yoke of Heaven had been accepted by Israel without the Torah, then the Torah would not have been given. But God knowing that the rational laws which He gave for the well-being of man could not have been put into practice by man without the

aid of the *Mizvot Toriyot*, therefore commanded them so that they may serve as pedagogues to the rational laws.

This conclusion, Aaron ben Elijah further tells us, he arrived at not through reason alone. He finds it also confirmed by Scripture, omitting of course, in the proper Karaite fashion, the third confirmatory source of the Law—Tradition. As regards some of the Scriptural laws, Scripture explicitly reveals their pedagogic purpose. Thus the reason for the command, (Deut. 20.17, 18) "But thou shalt utterly destroy them, the Hittite, etc.", is "that they teach you not to do after all their abominations"; the reason for the commandment, (Deut. 26.2; cf. 6.24) "Thou shalt bring of all the fruit of the earth", is "that thou shalt fear the Lord thy God"; the reason that "God commanded us to observe all these commandments" (Deut. 6.24), is "to fear the Lord our God and to recall the day that thou wentest forth from the land of Egypt". The Torah, too, then, indicates how our Scriptural laws that have no reason in themselves are pedagogues to the rational commandments of belief and morality.

As was indicated above, Aaron ben Elijah rejects the view of Maimonides that the ritual laws have a reason only in their general nature but not as concerns their details. He accepts the view of R. Jeshua that they have a purpose both in their general aspects and in their details. It is true that as far as the details of our Scriptural laws are concerned we are unable to grasp their purpose, but this intellectual inability on our part is the result of divine punishment for our sins, which resulted in Israel's forfeiting of its great distinction of being a wise and understanding people. Thus it is only owing to our present inability, the result of our sinfulness, to perceive the purpose in all the Scriptural Commandments, both in their general principles and in their details, that we were compelled, continues Aaron ben Elijah, to posit the general principle, that the Scriptural Commandments are ped-

agogues to the rational laws. We must, however, believe that the Scriptural Commandments, both in their general and particular essence, are based on reason, and that we are led by means of them to the rational commandments, even though we have not the insight into their reason. This, in fact, is comparable to a sick person who is cured by medicines of whose essence he is ignorant.

Thus our author stresses the importance of observing the Scriptural Commandments, keeping in mind of course the fact that they are only pedagogues to the rational commandments, and that their ultimate aim is the fear of the Lord.

There is, it goes without saying, Aaron ben Elijah continues, a reward in this and the next world for fulfilling the Scriptural Commandments. Indeed, concerning those Scriptural Commandments like circumcision, which entail bodily suffering, there is even a special reward: *temur*, or *temurah*—the law of compensation for grief, spoken of by many Karaite authors, which rules also over animal life.

MAIN CONCLUSION

We have referred, at the end of our first chapter, to the fact that the authoritarian character of the moral law in religion does not necessarily make religious morality incompatible with the important ethical doctrine of the autonomy of the moral law or autonomous morality. We stated there that when Revealed Religion reached the stage of moral development when it identified God with Morality and God's moral commandments, imbedded in its codes, with man's own moral will or moral reason, it had then achieved moral autonomy.

This stage was attained in Judaism with the advent of the Great Prophets, who identified God with Morality (Righteousness or Justice). This and Judaism's other fundamental doctrine of man's spiritual or moral likeness to God inevitably

bridged in Judaism the gap between the apparently contradictory ideas of moral law as *Mizwah*—the revealed Command of God—fundamental in all Revealed Religion, and moral law as autonomous, or self-legislative, an essential doctrine in Ethics which received its deserved emphasis in Kant. Because Morality is basic in God—so runs the thesis of thoroughly moralized Revealed Religion—it is equally basic in man, who is created in the moral or spiritual image of God.

In Judaism, and already in the Bible, as we have seen, Morality is so fundamental that it is well-nigh impossible to think of the Jewish God-conception in other than moral terms. In Judaism, God cannot act in any other manner than moral, for that is the law of His very Being: "Can the Ruler of the whole world fail to do justice!"

How basic in man's nature or reason, was the moral idea or-law to the Hebrew mind, with its all-absorbing preoccupation with morality since the advent of the Prophets, is of course apparent in the very identification of God with this, its supreme interest—Morality. It was this same all-absorbing interest of Israel that led its religious teachers from very early Biblical times to identify the moral with the reasonable. We have noted this already in Deuteronomy, and more explicitly in the Wisdom literature, where true wisdom is identified with the truly moral life: "The fear (i.e., the true worship) of God, that is wisdom, and to shun evil is understanding."

That the Rabbis took this for granted, was seen in the significant passages in the *Sifra* and *Yoma*, which speak of the moral law as that inevitable and inescapable law of man's social life which "if it were not written, would on grounds of reason have to be written". The independence of morality of any specific Revelation was further seen in the morally significant Rabbinic doctrine of the Seven Noachian Laws, in which, according to Hermann Cohen, Johann Selden and

Hugo Grotius discovered the principles of Natural Rights.⁹⁷ The Rabbis' profound recognition of the unique importance of the moral law was further apparent in their attributing superior importance to the moral over the ritual laws, as is evidenced in their frequent application of their well-known general rule, that the moral law supersedes the ritual law.

With the Jewish religious philosophers of the Middle Ages, the identification of the moral laws with man's reason was seen, in our foregoing discussion of the Rational and Traditional Commandments, to be axiomatic, to the extent of their positing Reason or the Moral Law as the primary (both in time and importance) source of the Law, Revelation and Tradition being considered by them as only its secondary sources. Indeed, in their opinion, the august Law itself proves its universal and eternal worth only by virtue of its having its basis in Reason or the moral nature of man and society. Their doctrine of the irrevocability of the Law—the impossibility of the Sinaitic Law being superseded by any new Revelation—is, in fact, based on their contention that the foundations of the Law are its moral laws, which they actually called the Rational Laws (*Mizwot Sikliyyot*). In their ingenious attempts to justify on rational grounds even the Traditional or seemingly irrational laws (*Mizwot Shim'iyot*) of the Code, in their illuminating insistence that these laws are not the arbitrary decrees of a Divine Legislator but rather moral pedagogues (*nehulim*), directing man to the all-important moral laws of the Torah, one notes again how basic to human nature was the moral law in the conception of our medieval philosophers.

All of which, we believe, goes to prove that the essential truths in Kant's celebrated doctrine of the Autonomy of the Moral Law, which we found, in our first chapter, to be of permanent ethical importance, were ever inherent implicitly

and explicitly in the ethics of Judaism, viz., that the moral law or Duty—the inescapable and categorical law of man's inmost being—must find its authority in no source that is extraneous to man's nature, that it must derive from man's own moral will or reason, that man's moral acts must be the expression of his own character.

We have used advisedly the expression 'the essential truths' in the Kantian doctrine of the Autonomy of the Moral Law (and, incidentally, need we state that because of their commonly agreed upon ethical importance, it is with these essentials only of the Kantian doctrine as they relate to the ethics of Judaism that we are concerned?). For while one does most assuredly find these essential truths in the Kantian doctrine inherent in and compatible with Judaism, as all the material reviewed in this chapter makes evident, it is, to say the least, doubtful whether Kant's own conception of *Autonomie* is compatible with Judaism. We are referring here to Kant's insistence that the ultimate source of the moral law or duty is solely man's creative moral Reason, absolutely independent, apparently, of God as its ultimate source. This conception leaves God's relationship to the moral law—a very important one in Judaism, to say the least—in a very amorphous state indeed!

Which leads us to make brief comment on the celebrated attempts at reconciling Kant's own doctrine of *Autonomie* with the ethics of Judaism, made by the two distinguished modern Jewish interpreters of the ethics of Judaism in terms of Kant—Moritz Lazarus (1824-1903) and the great neo-Kantian, Hermann Cohen (1842-1918).

Hermann Cohen, in his often pedantic, entirely too depreciating but on the whole convincing criticism of Lazarus,⁹⁸ makes the double point that Lazarus' interpretation of Kant's *Autonomie* is foreign to the spirit of Judaism, and, that

Lazarus' interpretation of this doctrine is really not Kant's conception of it at all.

Cohen quotes with just disapproval such statements of Lazarus' touching upon Kant's idea under consideration as the following: ". . . the sole consideration of importance is, that autonomy implies the absence of every extraneous will in the creation of morality, every external power. . . This exalted purity and this dignity of the moral are independent of every sort of theistic notion, because they spring from the very nature of the human mind";⁹⁹ ". . . but ethical holiness may be thought of detached from religious holiness. It has value and dignity of its own, without reference to God, the ordainer of morality; that is, the moral idea has an existence independent of the recognition that it is actualized in God".¹⁰⁰ On these and similar statements, which, in all fairness to Lazarus, must be read in their contexts, and which must be viewed in the light of the present writer's opinion that in them Lazarus simply permitted his great enthusiasm for Kant to run away with his better judgment,—Cohen very pointedly remarks: "*Bündiger kann das Verhältniss zwischen Gott und der autonomen Sittlichkeit nicht gelöst werden*". And he follows this up with the very embarrassing query: "*Ist das aber Judentum?*"

Which query goes to confirm our opinion, previously expressed, as to the danger in and futility of all attempts to fit Judaism into the procrustean bed of the dominant philosophic system of one's age, something for which, by the way, Lazarus very acidulously called the great Maimonides to task.¹⁰¹

Hermann Cohen, because of his unquestionably sounder Jewish learning, as well as because of his superior scientific exactness, could not possibly accept the definition of Autonomy advanced by Lazarus as inherent in and compatible with Judaism. Our great *Systematiker* could not possibly

overlook the glaring fact that in Judaism God is much more than Moral Principle, Moral Archetype, or Moral Exemplar. Nor could he accept Lazarus' contention that all that Judaism contributes to the idea of Morality is the idea of religious consecration to the moral law, which latter, according to Lazarus, is the only distinction between the Jewish and the Kantian attitude toward the idea of the autonomy of the moral law.¹⁰² In Cohen's opinion, Lazarus' conception of the moral law lowers the Principle of God to the level of man.

Is there, then, perhaps another interpretation of Kant's own *Autonomie*, more in harmony with the Jewish God-conception? For Judaism must be reconciled with Kant, the supreme philosopher of the age, for whom Cohen had no less veneration than did the author of *Die Ethik des Judenthums*. Judaism must be shown to be compatible with Kant's ethical system on practically every point,¹⁰³ and it goes without saying that even Kant's *Autonomie* must not be left out in the cold. Thus Cohen proceeds to interpret Kant's celebrated doctrine in such a way as not to make it seem at loggerheads with the Jewish God-conception, which unmistakably teaches, as any one whose Jewish learning extends no farther than the Hebrew Bible knows, that God is the ultimate source and author of Morality, and is, besides, to use Matthew Arnold's famous phrase, "the Power not ourselves that *makes* for righteousness".

This particular interpretation of Kant's Autonomy, however, Cohen admits, does not agree literally with Kant's teaching on the subject; yet, Cohen assures us, it is faithful to the spirit and coherence of Kant's basic ideas (*nicht buchstäblich mit Kants Worten, so doch im Geist und Zusammenhang seiner Grundbegriffe, sich geben liesse*). Cohen then re-states here his celebrated thesis touching his conception of God: "The idea of God forms a complement (*eine Ergänzung*) to the science of Ethics." God, Cohen continues, is not a

Moral Principle, nor must He be regarded as a mere Postulate, to help religious moralists to overcome the logical difficulties of their moral-theological casuistry. "He (God) is 'the Sovereign in the Kingdom of Morals' (*Oberhaupt im Reiche der Sitten*). But as such, He has not only something to say, but, what is more important, He has something to achieve, and not only something, but everything. The Sovereign in the Kingdom of Morals signifies the surety (*die Gewähr*): that the laws which the moral Reason in the science of Ethics discovers and prescribes, will in the distant future be realized, and that no doubt may arise as to their actualization. 'As truly as God liveth!', say the Prophets. 'As truly as the Idea of God is my truth', so says the Idea as Science. Without the Idea of God, Morality lacks the guarantee that its laws are more than chimeras. In the Idea of God, however, Morality discovers its surety, that the moral laws will become real until the end of days.

"This is the meaning of the Kantian Principle of Autonomy. It discovers man in mankind. But it does not depreciate the God-Idea. . . The idea of natural law (in Science) has by no means exhausted the idea of creation. Likewise, notwithstanding the fact that in the science of Ethics, autonomy is a methodological principle, it does not thereby exclude any sort of relationship between the Idea of God and the creation of the moral law."¹⁰⁴

In his essay on the *Innere Beziehungen der Kantischen Philosophie zum Judentum*, Cohen, reluctantly perhaps, admits¹⁰⁵ that there is a difference between Kant's *Autonomie* and the Jewish idea of God as the Author and Actualizer of Morality. This admission is introduced by a brief yet complete definition of the entire idea of Kant's autonomy of the moral law and by an explanation of the reasons that led Kant to arrive at this doctrine, all of which, by the way, recalls the criticism of Kant on this matter made in our first

chapter. "Lust and happiness", writes Cohen, "set their face against moral reason. . . He (Kant) seeks to establish the moral will by means of rational principles. Inasmuch as he rejects happiness as the motive of the moral will, he therefore sets up a logically derived idea as the determining basis of the will. This principle of the will is the universal law. Morality must be conceived of as such a law, which must be valid for every person. This law must depend on the self-legislation (*Autonomie*) of reason; but the Reason must have no other relation to the will except to decree a universal law. . .

"The difference, however, must not be overlooked. With Kant it remains in the final analysis Reason itself which produces ever anew the universal law, while in Judaism the one God would serve no greater usefulness than a machine if He would not retain within Himself the eternal creative source of the moral law. One may dispute, however, the assumption that there really exists a contradiction between God and the moral reason. The moral law must and ought to be the law of God, without it thereby, however, ceasing to be at the same time the law of Reason." A little further on, Cohen states that this difference between Kant and Judaism as to the self-legislating, self-creating aspect of the idea of autonomy, "yet leads us to a new harmony. God is and remains here the originator and the surety of the moral laws (*der Urheber und der Bürge des Sittengesetzes*). Has He, as such, perhaps disappeared in Kant? . . . This is, however, by no means the case. God is, with Kant, the 'Sovereign in the Kingdom of the Moral'; and the self-legislation of the human reason has nowhere the meaning, or even the competence, to unseat this Sovereign. For Kant there does not exist any Kingdom of Morals without the sovereignty of God".

As to God's exact function in the administration of morality, Cohen believes that Kant's idea in this connection of

God as the Distributor of Happiness (*Austeiler der Glückseligkeit*), as the Reconciler of the Contradictions (inequalities) of this world in the next, is neither satisfactory nor in agreement with Kant's own fundamental thought. Fichte, Cohen informs, developed a more satisfactory thesis on this subject, which Cohen (whose philosophic system is a synthesis all his own of the philosophic system of Kant and of Fichte's Subjective Idealism) adopts as his own. And what, according to Cohen, is God's function in the matter of Morality? To Cohen, who in this is in complete accord with Fichte's celebrated idea of God as the Universal Moral Ego, as Moral World Order, as the Universal Moral Process, God is not only the Author of Morality but the Guarantor of Morality. God is the Surety that Morality will become increasingly realized or actualized all throughout the unending future. God is the Guarantee that the Messianic Idea of the Prophets, which Cohen rightly conceives as one of the most important ideas in Judaism and which embodies this certainty of the actualization of the universal moral idea, will increasingly become a reality to the end of days.

To complete our statement of Cohen's position on the subject of Kant's *Autonomie* as it applies to Judaism, let us quote his remarks on this subject found in his *Religion der Vernunft* (p. 357.). "There is found", writes Cohen, "another saying in the *Talmud* which formulates the autarchy of Duty: 'Greater is he who performs a duty because he is commanded to do so than he who performs it without being commanded'.¹⁰⁶ Though this statement would seem to make the deed less important than the command, the fact of the matter, however, is, that the deed is placed in the command of God as its ultimate source. . . The command comes from God. He is the only good. His command is therefore the command of Goodness. The law of God is identical with the law of Morality. For God is the surety for the autonomous

morality of mankind, insofar as He is the Guarantor for the infinite development of the human soul. The Command of God is the religious expression, which must not contradict, which, though conditional upon the methodic difference,¹⁰⁷ must agree with the fundamental laws of autonomy. When I act from my own will, I must convince myself that my will is not the affection (*Affect*), but pure will. Therefore as concerns pure ethics the idea of Duty is indispensable. Man's duty is to convert the moral law into duty. The analogous conversion, Religion effects by transforming the moral law into the law of God".

Our Marburg philosopher, then, despite his all-absorption in and great veneration for Kant, is apparently no slave to Kant. Unlike the lesser Lazarus, Cohen remains eminently faithful to Judaism in his interpretation of the idea of Autonomy as he does on all the other fundamental doctrines of Judaism. Cohen, as his best known disciple and interpreter, Jacob Klatzkin, points out,¹⁰⁸ is not a mere peacemaker between Judaism and the prevalent philosophy, as Maimonides to a great extent was in his time. "He came to Judaism from philosophy, and *vice versa*. His '*welt-anschauung*', his world-concept, his demand that ethics be based on the idea of the Absolute, brought him to Judaism". In Cohen, forsooth, Judaism goes through the breadth and depth of philosophy, and emerges, certainly as far as its central prophetic ideas are concerned, triumphant, and, what is equally as important, remains faithful to itself. How faithful it remains to Kant, however, is another question. One gets the idea in reading Cohen's great writings on Judaism, that he succeeds in remaining faithful to Judaism only by accommodating, no doubt unconsciously, Kant to Judaism. We have seen this in his Jewish interpretation of Kant's *Autonomie*. And well may Lazarus in this connection pose the question—one very similar

to the one Cohen put concerning Lazarus' interpretation of Kant's *Autonomie*—"Ist das aber Kant?"

Klatzkin is of the opinion that the main reason why the great Hermann Cohen is ignored by the non-Jewish philosophic world is that Cohen attempted to "Judaize" ethics or philosophy. This being so, Klatzkin wonders why Cohen should be equally ignored by the Jewish world. May we venture the opinion that one of the reasons for this is the fact that Cohen's interpretation of Judaism is hitched entirely too much to the chariot of one particular philosophic system that is today, to say the least, "dated". Contemporary philosophy has gone beyond Kant and Fichte. Certainly is this true of contemporary ethics which insists on arriving at its ethical doctrines by the aid of a scientific study of human nature as it actually functions in the social *milieu*. Contemporary ethics has little taste for the antiquated *a priori*, absolutistic, transcendental ethical systems, with all their 'pure' abstractions, with their unjustified disparagement of the human affections springing from their arbitrary separation of human nature into tight compartments of 'impure' *Affect* and the glorified, rarefied 'pure' Reason created by them from the transcendental clouds,—contemporary ethics, we say, has little taste for all the endless abstractions spun out of the heads of the German 'System' builders. And Cohen's interpretation of Judaism, as learned, as illuminating and as great as it is, no doubt suffers on account of its being so inextricably bound up with those antiquated ethical systems.

Perhaps we have now reached the stage in our interpretation of Judaism when it is no longer necessary, in order to reveal its vitality and its applicability to modern life, to tie its chariot to any one philosophic star, no matter how brilliant. Perhaps we have become mature enough, when pursuing the highly useful task of comparing the central ideas of the prevalent philosophy with the principal ideas of Judaism, to

satisfy ourselves with a critical statement of facts—to point out the similarities *and* differences between the two, permitting all the while the great principles of Judaism to stand, in all their purity and authority, on their own legs—and be content to say to the reader, Take it or leave it!

Our summation of this chapter must yet include a brief criticism of Moore's main comment¹⁰⁹ on the Talmudic passages in the *Sifra* and *Yoma*, discussed above, which make the morally significant distinction between the rational or moral and the ritual or irrational laws of the Torah, which comment seemingly controverts our contention of the inherence of the idea of the autonomy of the moral law in Judaism.

Moore though admitting that the Talmudic passages in question prove that "Jewish teachers were quite aware of the intrinsic difference between laws which the common intelligence and conscience of mankind recognized apart from revelation", nevertheless contends: "It should be observed also that what we call the moral law is delivered in statutory form, and that its obligation in such a religion (a revealed religion) rests not on the consensus of men, however unanimous, that certain acts are intrinsically right and others wrong, but on the fact that they are commanded or forbidden by divine law." Moore comes to this conclusion mainly on the general assumption that "this is the logical attitude of a revealed religion."

Well, with all our great respect for Moore's opinions and for his monumental work on Judaism, which has indeed established a most significant milestone in the critical and unbiased analysis of Judaism on the part of a non-Jew, a work which we have quoted so often in this study and found so helpful on every phase of our subject,—notwithstanding all this, we say, that in our humble opinion, Moore in this instance made the mistake of arbitrarily over-generalizing the 'revealed religion' principle. Revealed religion in the abstract may perhaps be correctly regarded as finding the primary

obligatoriness of the moral law in the fact that it is commanded by Revelation or Holy Writ. But from this generalization on revealed religion in the abstract, it does not necessarily follow that every individual revealed religion necessarily cannot or does not deviate from this general and arbitrary principle. In fact, one of those 'revealed' religions, to our mind, namely, that distinctly ethical religion known as Judaism, does do that very thing. The very Talmudic passages in question prove this, for those passages indicate, in Moore's own words, that "Jewish teachers were quite aware of the intrinsic difference between laws which the common intelligence and conscience of mankind recognized apart from revelation". And those laws are of course the moral laws. And once this unique distinction of the moral law is granted, where else does one, conscious of this distinction, place the primary obligatoriness of the moral law if not in reason, in the nature of man as a social being, in that very unanimous "consensus of men. . . that certain acts are intrinsically right and others wrong"? And how, pray, is this conclusion affected by the fact that in the Old Testament "the moral law is delivered in statutory form"? The Deuteronomist, who very likely initiated this statutory form for the *Mizvot* or ethical commandments, had, as we suggested in our second chapter, a good pedagogic reason for so doing, namely, to give to the distinctively moral laws of his Code the same divine authority, and consequently the same urgency for obedience to them, as to the civil or ritual laws. But what has this fine pedagogic strategem, which probably explains the statutory form of the Biblical commandments, to do with the arbitrary principle, that just because Judaism happens to be a 'revealed' religion it must necessarily identify the obligatoriness of moral duty with Revelation or divine fiat? Judaism, in brief, our findings lead us to conclude, happens to be that special sort of 'revealed' religion that regards the moral law so fundamental

as to recognize it as an inescapable law that is apart from and antecedent to revelation. Judaism, in brief, recognizes the moral law as grounded in reason, in human nature, in man as a social being. Revelation commands it, to be sure, but even "were it not written, it would on grounds of reason have to be written."

In one of his Notes,¹¹⁰ Moore reluctantly does admit that the Rabbis actually believed that the moral laws *are* intrinsically more important than the ritual laws. But here again he follows up by practically negating this admission by once more over-working his 'revealed religion' generalization: "But the logic of revealed religion is that the ground of obligation is the will of God as known through revelation. Moral precepts have not an independent ground of obligation in what we call ethical principle." But once we grant that the moral law *is* more important than the ritual law, as the Rabbis certainly did despite their great pre-occupation with the ritual phase of Judaism, and as is evident in their well-known principle that the moral law supersedes the ritual law, do we not at once also grant that the unique compulsion of the moral law consists in the fact that, unlike the ritual laws which God also commands, it finds its authority in reason, in conscience, in the nature of man and of society. In brief, do we not at once concede that moral precepts indeed do have an independent ground of obligation in what we call ethical principle?

We cannot, in concluding our discussion of the idea of the autonomy of the moral law in Jewish ethics, refrain from quoting a significant confirmation of our thesis that the idea of the autonomy of the moral law (in those essentials thereof above indicated) is inherent in Jewish ethical thought, yes, even in Biblical literature—a confirmation hailing from quite an unexpected source, namely, the excellent chapter on "The Hebrew Moral Development" in the *Ethics* of Dewey and

Tufts, from which important text book on Ethics we had occasion to quote at length in our first chapter. In the chapter in question our authors perceive the conscious and voluntary, in other words, the autonomous character of the moral law in Hebrew ethics, in the Biblical conception of the Covenant relation between Yhwh and Israel. They write as follows:¹¹¹ "To conceive of the relation between God and people as due to voluntary choice, is to introduce a powerful agency toward making morality conscious. Whatever the origin of the idea, the significant fact is that the religious and moral leaders present the relation of Israel to Yhwh as based on a covenant. On the one hand Yhwh protects, preserves, and prospers; on the other, Israel is to obey His laws and serve no other God. This conception of mutual obligation is presented at the opening of the 'Ten Commandments', and to this covenant relation the prophets again and again make appeal. The obligation to obey the law is not 'This is the custom', or 'Our fathers did so'; it is placed on the ground that the people has voluntarily accepted Yhwh as its God and lawgiver." A little further on our authors stress the fact that in accordance with the Jewish conception, Yhwh was not merely a lawgiver but a *personal* lawgiver, which fact "raises conduct from the level of custom to the level of conscious morality", and makes the commands given by this personal lawgiver, not something arbitrary, but rather the personal commands of a personal deity, which are accepted and practised by the people voluntarily. Thus, our authors continue, "side by side with the conception (in its crudest form) that the laws of Yhwh must be obeyed because they were His commands, there was another doctrine which was but an extension of the theory that the people had fully accepted their ruler. This was that Yhwh's commands were not arbitrary. They were right; they could be placed before the people for their approval; they were 'life'; 'the Judge of all the earth'

would 'do right'. We have here a striking illustration of the principle that moral standards, at first embodied in persons, slowly work free so that persons are judged by them."¹¹²

It follows, therefore, that despite the many superficial appearances to the contrary: despite the fact that Judaism is a 'revealed' religion, and as such would be expected by the literal interpreters of the said revealed religion principle to deny the autonomy of the moral law; despite the statutory form of the Biblical moral exhortations; despite the very term *Mizwah* itself (literally, divine commandment), which, as was above suggested, may very likely have been the original term for the ethical commandments of the Bible,—despite all these seeming incongruities, the moral law, in accordance with a critical analysis of the moral teachings in Judaism, was from a very early date, and consistently and increasingly so thereafter, regarded by Jewish religious teachers as autonomous (though not in the strictly Kantian sense of its absolute independence of God as its source), i.e., as having its source and compulsion primarily in reason, in conscience, in man's moral nature, though ultimately equally so in God. As far as Judaism is concerned, the function of Revelation, as it relates to the moral law, was not to decree to man a new statute, certainly, not to decree something foreign and extraneous to man, but rather to confirm to man something that was already known to him and was fundamental in his nature from the time man appeared on the scene. In accordance with Judaism, then, the authoritarian function of Revelation is to hallow the moral law, to give it its special divine sanction, to give to the moral law, as it expresses itself in duty—*enthusiasm*—in the literal sense of this term, i.e., divine inspiration or motivation.

CHAPTER IV

THE 'ENEMY' OF DUTY: THE YEẒER OR YEẒER HA- RA': MAN'S TWO-FOLD YET ONE NATURE THAT IS INCLINED TO EVIL, AND ITS YEẒER ṬOB—ITS GOOD IMPULSE

"'And thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy might' (Deut. 6.5).—'With all thy heart',—that means with thy two Yeẓarim (natures): with thy Yeẓer Ṭob (Good Nature) and with thy Yeẓer Ra' (Evil Nature)".—(Mishnah Berakot IX, 5, Berakot 54a, and Sifrè, Deuteronomy, on Deut. 6.5.)

SYNOPSIS—The term 'Yeẓer' standing in the OT for the disposition or *the nature of man*, already fitted by OT usage for the Rabbis' development of their conception of the Yeẓer; by the Yeẓer the Rabbis meant *man's nature*; man's Yeẓer is *naturally* disposed to evil, hence the Rabbis qualify it as *Yeẓer ha-Ra'*—the *Evilly-inclined Yeẓer*; hence, again, when the Rabbis speak of the Yeẓer without the qualification of *ha-Ra'*, they also mean the *Yeẓer Ra'* in contradistinction to the *Yeẓer Ṭob*—the *Good Impulse* in man's nature; the seat or *source* of the Evil Yeẓer as well as that of the *Yeẓer Ṭob*, according to the Rabbis, neither in the body nor in the soul, but in the *heart*, by which the OT and later Jewish literature meant, not the physical organ, but *the moral person*, the inner self; hence 'heart' in OT interpreted by the Rabbis as equivalent to 'Yeẓer'; that the Yeẓer belongs to the *moral* nature of man, not merely to the physical, is evident from the cata-

logue of sins imputed to the Evil *Yezer*, which embraces all the sins that human nature, or man as a human being, is heir to; this is also evident from the Rabbis' statements that the *Yezer Ra'* is innate, that it has dominion over man until the day of his death, that it does not exist in the World to Come, and that angels are *sans Yezer ha-Ra'*; the purpose of the occasional grim personification of the Evil *Yezer* on the part of the Rabbis and their constant dwelling upon its many evil manifestations, not to identify it as an external Evil Power, which man is powerless to combat—a doctrine thoroughly foreign to Jewish thought—the purpose is rather *moral exhortation*: to indicate the full measure of the enemy's stature and resources, in order that man may equip himself with the proper spiritual weapons, to be found in the Law, with which to give him effective combat; the Evil *Yezer*, with the Rabbis, has both a narrower and wider meaning; in its narrower sense, when it is characterized as 'the leaven in the dough', or as 'the foolish king', it stands as the inciter to sin or as the enemy of Duty, and as such only is to be suppressed; in its other and wider meaning, it stands as the *collective name for the totality of man's instincts*, without the legitimate expression of which social life is impossible, and *as such is considered as good*, or at least as inevitable in this world; the Good *Yezer*, a later development of the idea of the *Yezer*, stands as *the collective name for all of man's inner promptings for the moral or ideal life*; the Rabbis' chief occupation with the *Yezer Ra'*, as showing the Rabbis' *unitary* conception of man's nature, and the fallacy of connecting the Evil *Yezer* with the body and the Good *Yezer* with the soul, thus imputing to Judaism a dualistic psychology, according to which the Evil *Yezer* is supposed to reside in the body and the Good *Yezer* in the soul, which is foreign to Judaism; in the two terms *Yezer ha-Ra'* and *Yezer ha-Tob*, the Rabbis had in mind man's nature as a whole, in which the evil tendency is predominant, but over which the Good *Yezer* can gain mastery by the moral discipline of the Law; the Good *Yezer*, though 'poor' and 'weak' in man in its *natural*, i.e., morally undeveloped, state, is nevertheless an integral part of man's nature; by the aid of the *Yezer Tob*, and

through the development of moral habits as a result of the discipline of the Law, not only can man resist the Evil *Yezer*, but can even make the Evil *Yezer* good, i.e., make all of the activities of man subserve moral ends, which is man's duty; Judaism's consistent faithfulness to the unitary conception of man's nature enabled it to escape Asceticism, which is an inevitable concomitant of a dualistic conception of man's nature.

This chapter on the *Yezer*¹ or the Jewish conception of human nature is very important for our subject, for it deals with the psychology of duty as the Rabbis conceived it. It should tell us what, according to their ideas, makes it so difficult for man to walk the paths of duty. Is it an Evil Power external to man, over which he has no control? Is there perhaps something fundamentally evil in the composition of human nature itself—a sort of innate depravity—from which man can only hope to save himself by the atoning power of a Divine Savior? Or is it rather something which though indeed part and parcel of his nature, and though manifesting itself in fact as an implacable enemy of Duty, may nevertheless be that peculiar kind of enemy who serves man a useful purpose—an enemy, furthermore, who, by a suitable discipline which man himself has the power to put into practice, may be subdued, and even transformed into his ally or friend? This chapter should further bring out the interesting fact of the close similarity of the Jewish conception of human nature with that helpful and gratifying unitary conception of it championed in contemporary ethical theory, which we described in our first chapter.

Now, the basal Biblical passages on which the Rabbis' concept of the *Yezer Ra'* is exegetically based, are Gen. 6.5 and 8.21 (J.):—"Yhwh saw that the wickedness of man was great upon the earth, and that every *yezer* of the thoughts of his heart (*kol yezer mahshebot libbo*) was only evil every day";

"And Yhwh said in His heart, 'I will not curse the ground any more for man's sake, for the *yezer* of the heart of man (*yezer leb ha-adam*) is evil from his youth.'" In the first verse we have the reason for God's resolve to destroy man; in the second, His decision, after the Flood, not to curse the ground and smite the living again.

We see that 'the evil *yezer* (of the thoughts) of the heart of man', as Porter observes in his highly illuminating study of the *Yezer*, is in one of its aspects man's fault and in another his misfortune, and that "the Evil *Yezer* lies on the borderland between the choice and the nature of man."²

In fact, the word *yezer* itself suggests these two apparently contrary conceptions. The verb *yazar* means 'to form', or 'to fashion', and also, to form inwardly, *to plan*. In the Bible, we find the word used as a technical word for the potter's work. We find it used there also of God's forming of nature and of man, and also of His planning or purposing. The *Yezer* of man, as Porter continues to explain, could therefore suggest (1) *man's form*, as God made him—*his nature*, as we find in Ps. 103.14 ('For He knoweth our nature [*yizrenu*]: He remembereth that we are dust'). The word here is usually rendered our 'frame', as the second clause implies (cf. Gen. 2.7; 3.19), but the context suggests the wider sense of 'nature'. Again, the term could suggest (2) man's own formation of thought and purpose—'imagination'—as the word is usually rendered in several OT passages. In Deut. 31.21 ('For I know their disposition [*yizro*], how they do even now'), and probably Isa. 26.3 ('The *yezer* stayed on Thee [*yezer samuk*], Thou keepest in perfect peace, because it trusteth in Thee'), the word is used without the further definition 'of the thoughts', or 'of the heart', which is found in Gen. 6.5; 8.21, and which 1 Chr. 28.9; 29.18 retain. We thus note that already in the OT, *Yezer* has gained a certain independence, connoting *the disposition or the nature of man*, which is to be re-

garded as something which God made (Ps. 103.21), or as something which man 'works' (Deut. 31.21).

'*Yezer*', then, was already fitted by OT usage for the Rabbis' exegetical development of the term into their important doctrine of the *Yezer*.

Now our basal Biblical passages on the *Yezer* pronounced the *Yezer*, or the *natural* inclination of man's heart, evil. In this pronouncement the Rabbis fully concur. It is therefore natural that the Rabbis, for reasons of moral exhortation, should chiefly deal with the *Yezer* as *Yezer ha-Ra'*. In fact, as will be evident from the many passages in the *Talmud* and *Midrash* that we will have occasion to quote below, *Yezer* very often stands unqualified—just *Yezer*—and in the unqualified form always connotes the Evil *Yezer* or *Yezer ha-Ra'*. In their final development of the concept of the *Yezer*, however, we find the Rabbis emphatically dwelling upon the other integral factor in man's nature, the existence of which was always taken for granted by them, namely, the *Yezer's* *Good Impulse* or *Yezer ha-Ṭob*, which is opposed to *Yezer ha-Ra'*, and for the existence of which they ingeniously found exegetical support in the Bible, as we shall indicate further on. In comparison, however, with the *Yezer Ra'*, the *Yezer Ṭob* is infrequently dealt with by the Rabbis, the reason being no doubt, as Schechter, too, observes,³ that the idea of the *Yezer Ṭob* is a later development of the Rabbinical concept of the *Yezer*. One of the reasons for the later introduction of the *Yezer Ṭob* may have been theodicy—to justify God, who, in accordance with the strict monotheistic idea of both Biblical and Talmudical thought, was necessarily the creator of the Evil *Yezer*. The implication is, in effect, that while it was God indeed who created the Evil *Yezer*, He, however, also created in man the *Yezer Ṭob*, the moral impulse with which to give battle to the *Yezer Ra'*. Another reason may have been the understandable emphasis, on the

part of the Rabbis, of the traditional Jewish idea of the basic or innate goodness of man despite his natural inclination toward evil or sin, in order to counteract the current Paulinian dogma, and its anti-Jewish implications, of the innate depravity of man.

This pre-occupation, by the way, of the Rabbis with the *Yezer Ra'* and their comparative neglect of the *Yezer Tob*, even if we disregard for the moment all other confirmatory evidence, alone shows the fallacy of connecting the Evil *Yezer* with the body and the Good *Yezer* with the soul, thus making them expressions of two essentially different parts of man. This is done, for instance, by Weber, in his *Jüdische Theologie*—the source book of so many of the malicious fallacies in regard to Rabbinic Judaism. Weber arbitrarily chooses to interpret the *Yezer Ra'* and the *Yezer Tob* in terms of a dualistic psychology, according to which the Evil *Yezer* is supposed to reside in the body and the Good *Yezer* in the soul.⁴ In respect to these two terms, the Good-and Evil *Yezer*, as we shall see below, the Rabbis simply have in mind the nature of man as a whole, in which the evil tendency or disposition is naturally predominant, but in which the innate good tendencies or dispositions, subsumed in the later Rabbinical term, the *Yezer Tob*, can gain mastery through the moral discipline of the Law.

Now the seat or source of the evil-as well as of the good impulse, according to the Rabbis, is neither in the body nor in the soul in distinction from each other, but rather as our basal Biblical passages suggest, in the *heart*, by which term is meant, not the physical organ, but "the thinking and willing subject, the moral person, the inner self."⁵ It is noteworthy that while in certain Talmudic passages the *Yezer* is connected very closely with the body, it is found to be more abundantly connected with the heart. In fact, 'heart' is used in the very sense of '*Yezer*'.

Thus the *Sifrè* interprets Deut. 6.6 ('Let these be *against* thy heart') as follows: "From here R. Josiah derives the admonition that we must adjure the *Yezer*".

So Ps. 109.22 ('My heart [*libbi*] is wounded within me'), is interpreted by the Rabbis to mean that David's Evil *Yezer* has been wounded or conquered, thus placing David in the same category with the righteous Patriarchs whom God made to taste in this world the bliss of the World to Come, namely, complete dominion over the *Yezer Ra'*.⁶

Again, because the word 'heart' occurs in two forms (*leb* and *lebab*), the Rabbis very ingeniously saw in the double *bet* of *lebab* a suggestion of the two *Yeẓarim*, and in the single *bet* of *leb*, of the one *Yezer Ra'*. Thus we find the *Mishnah* interpreting Deut. 6.5 as follows: "'And thou shalt love the Lord thy God with all thy heart' (*be-kol lebabko*): —'with all thy heart' means with thy two *Yeẓarim*—with the Good *Yezer* and with the Evil *Yezer*.'"7

Among the seven names by which the Evil *Yezer* was called, so taught R. 'Awira (according to others, R. Joshua b. Levi), was 'the hidden one' (Joel 2.20)—"this is the *Yezer Ra'* which is hidden and stands in the heart of man."⁸

One must remember, however, that the heart, which is the seat of the Evil *Yezer*, is in fact conceived by the Rabbis, as Schechter observes,⁹ to be also the source of all of man's emotions and reason, the seat of all moral and spiritual functions, nay, even the seat of wisdom: "All of man's wisdom is nowhere but in the heart".¹⁰ It is for this reason that we are told by R. Eleazar b. 'Arak (Abot II, 9) that the good heart (*leb tob*) is man's most worthy possession. There is, therefore, as the Rabbis saw it, no special depravity in the heart, or in man's nature which is represented by 'the heart', in spite of its being the seat of the Evil *Yezer*.

That the *Yezer* comprises the whole of man—both his body and his mind—we may again see from the catalogue of vices

or sins that is attributed by the Rabbis to the evil side of the *Yezer* or the *Yezer Ra'*.

Perhaps the outstanding evil manifestation of the *Yezer Ra'* is the sin of sensuality or lust. Sensual sins are very emphatically ascribed to the *Yezer Ra'*, but, as Porter observes, "not because they are sins of the body, but because they are conspicuous among the sins that come upon man and overwhelm him as if by an outside force."¹¹ When the Rabbis speak of the Evil *Yezer* in connection with sensual sins, they refer of course to adulterous passion. And properly did they realize, and warn man against, the power of it. Even the most saintly characters, as we know, must war against it. The legend concerning R. Akiba and R. Meir, two of the greatest and most saintly characters of the Tannaitic period, is significant. Both R. Akiba and R. Meir, the legend has it, mocked at those who could not withstand the sins of adultery, but they themselves were saved only by divine intercession from falling victims to Satan (in this instance personifying the *Yezer Ra'*) who disguised himself in the form of a woman.¹² The Rabbis, in holding up Joseph the Pious as an example to the wicked who attempted to excuse their neglect of the study of the Torah by the claim that their Evil *Yezer* prevented them from so doing, remark, in connection with the story of Potiphar's wife, "Was there any one more troubled by his *Yezer* than Joseph?"¹³

The Evil *Yezer* as denoting passion, is very likely the meaning in the saying of R. Jehoshua, "An evil eye, and the Evil *Yezer*, and hatred of the creatures, put a man out of the world"—especially if we consider this saying in the light of the statement of R. Eleazar ha-Kappar, "Jealousy and lust (*ha-ta'awah*) and ambition put a man out of the world."¹⁴ Here, too, though, as Porter observes, we need not limit it to sensual passions. Taylor renders *yezer ha-ra'* in *Abot* II, 11 (Taylor, II, 15) as 'evil nature'.¹⁵

But lust is not the only manifestation of *Yezer ha-Ra'*.

The sequel of the passage in the *Sifrè*,¹⁶ which begins with the above cited declaration that it is man's duty to forswear or battle against the *Yezer*, incidentally reveals some of the other evil manifestations of the *Yezer Ra'*: "And thus you will find that in the case of all the pious, that they adjured their *Yezer*. Concerning Abraham, it is said, (Gen. 14.22) 'I have lifted up my hand unto the Lord, that I will not take a thread nor a shoe-latchet nor aught that is thine' (the *Yezer's* manifestation here, is, of course, greed) Concerning David, it is said, (1 Sam. 26.10) 'And David said: As the Lord liveth, nay, but the Lord shall smite him (Saul); or his day shall come to die; or he shall go down into battle and be swept away' (manifestation of revenge). Concerning Elisha, it is said, (2 Kgs. 5.16) 'But he said (to Naaman who implored him to accept a gift for restoring him to health), 'As the Lord liveth before whom I stand, I will receive none'." Gehazi, the servant of Elisha, on the contrary, adjured his *Yezer* to do wrong (ibid. v. 20): "As the Lord liveth, I will surely run after him, and take somewhat of him (Naaman)". The manifestation of the *Yezer* in the last two instances is again cupidity.

Of violent anger, another of the manifestations of the *Yezer*, it is reported that Johanan b. Nuri said that it is the "craft of the *Yezer Ra'*": "Let one who in anger tears his garments, breaks his vessels, casts away money, be in thine eyes as one who practises idolatry. For this is the craft of the *Yezer Ra'* (*umanato shel yezer ha-ra'*); today it says to him do this, tomorrow do that, till it says to him, Go, practise idolatry, and he goes and does it."¹⁷

Ben Zoma's famous saying in *Abot* IV, 2 ('Who is mighty? He that subdues his *Yezer*') might also mean anger (though not exclusively that) when taken in connection with its Biblical support (Prov. 16.32, 'He that is slow to anger is

better than the mighty; and he that ruleth his spirit than he that taketh a city'). Taylor here again translates *yizro* by 'his nature'.

So is vanity or conceit another of the manifestations of the Evil *Yezer*. Thus R. Ammi tells us that when the Evil *Yezer* sees a conceited man, it says, 'He is mine'; as Prov. 28.12 says, 'The fool (the Evil *Yezer*) has hope of him.'¹⁸

We even find the Evil *Yezer*, as Schechter wittily observes, egregiously solicitous of the welfare of the family, for when a man experiences an urge to perform a *mizwah*, or generous act to his fellows, the *Yezer Ra'* says to him, 'Why should you do this charitable act and thereby diminish thy wealth? Instead of giving it to others, give it rather to your own children'. But the *Yezer Tob* on the contrary admonishes him, 'Do perform the good deed!'¹⁹

The reader will recall that our Evil *Yezer* also induces Jews to object, as the heathens do, to the necessity of observing the above discussed irrational commandments of the Law (the *huqqim*), such as the prohibition of eating swine's flesh, of wearing goods of linen and wool, and the scapegoat.²⁰

The *Yezer* also induces a disbelief in judgment after death. Thus R. Eleazar ha-Ḳappar admonishes: "Let not thy *Yezer* assure thee that *Sheol* is a house of refuge, for perforce wast thou framed and born, perforce dost thou live and die, and perforce thou art to give account and reckoning."²¹

And if it were not for the fact that idolatry had already been removed from Israel through the work of the Men of the Great Synagogue, who prayed for its extinction, incitement toward idolatry would have continued even now to be the work of the *Yezer Ra'*.²²

The sins of the *Yezer* or Evil *Yezer*, it is thus evident, are many and varied, and embrace not only sensual sins, but also greed, revenge, violent anger, uncharitableness, and the distinctively religious sins of idolatry and of disbelief in retribution

after death. In brief, the sins of the *Yezer* embrace all sins to which human nature, or man as a human being, is heir.

An interesting confirmation in a later Jewish source of this comprehensive conception of the *Yezer* as *Yezer ha-Ra'* is to be found in the fifth Gate (Gate of Consecration of Conduct [to God]) of Bahya's *Hobot ha-Lebabot*. Of the three things, according to Bahya, that hinder man from a proper consecration of all of his thoughts and deeds to the service of God, (the first two being man's ignorance of the true nature of God and His goodness and man's misunderstanding of the purposes of God's commandments and of His Torah), the third is the *Yezer's* subtle and persuasive reasoning by which he makes the things of this world scandalously beloved by man. Bahya here dramatically personifies the *Yezer* in the role of the Subtle Persuader. Against the continuous though subdued argument of man's Reason (which in Bahya is synonymous with the *Yezer Tob*) in behalf of the 'straight but narrow path', the *Yezer Ra'* subtly and persistently broaches to the individual all the tempting arguments for the 'easy' life that is oblivious of all scruples of conscience and ideals. And the ingratiating reasons for a life of self-indulgence and insincerity which the *Yezer* temptingly brings to bear upon his victim embrace all those which were above enumerated as they were found in Bible and Talmud and which, as we have seen, make up human nature as a whole as we know it in our daily affairs. The *Yezer* would cast doubt on the immortality of the soul, on God as the Creator of the universe, on the strict unity of God, on Providence as reward and punishment in this and the next world, and on the validity of Tradition. The *Yezer* further attempts to persuade man that God stands in no need of man's proper worship of Him. And by means of these doubts which he implants in the mind of the individual he goads him on to an exclusive soul-destroying absorption in the pleasures of this world. By his sophistry

the *Yezer* further attempts to disparage the importance of man's reason as the primary means of knowing God and His beneficence and as the primary guide to the moral life. He attempts to convince man of the greater feasibility of doing things to please man rather than doing them *le-shem Shamaim*—for God's sake. He incites man toward love of glory and the acquisition of a great name, and towards the use of all of his leisure in the improvement of his material means rather than towards the employment of it in the spiritual service of God. Even when one is engaged in the doing of good, he urges one to do so not for duty's sake but for the acquisition of reward in the Hereafter. The *Yezer* finds an effective inducement to sin in instigating the sinner to depreciate other men's piety. And, as is to be expected, he does not forget to quote Scripture, for he quotes Amos 3.2: "Only you have I known from all the families of the earth, *therefore* will I requite you for all your sins."—Does not then the Bible itself, by this explicit statement that God punishes the pious more than the wicked, teach the unwisdom of being good! The *Yezer*, too, fills man with envy and haughtiness. And as if all this is not enough, the *Yezer* goes on to disparage the spirit of duty in man, by pointing to the almost insuperable difficulties attending the performance of deeds dictated by the stern and forbidding voice of Duty.

Maimonides' opinion that the *Yezer Ra'* is identical with the imagination or imaginative faculty,²³ may perhaps also be noted here as a further confirmation of the same idea of the *Yezer Ra'*.

Again, the innateness of the *Yezer Ra'* and its inseparableness from man until death, prevalent in the Rabbis' characterization of it, renders still more intelligible the Rabbis' conception of the *Yezer Ra'*. We may recall here the well-known question put to *Rabbi* (Judah *ha-Nasi*) by the legend-bedecked Antoninus,²⁴ as to when the Evil *Yezer* begins to

rule over man, whether from the moment of conception or from the moment of birth (*be-sha'at yezirah o mi-sha'at yeziah*), *Rabbi's* first reply was that it begins at the moment of conception. To which Antoninus objected, contending that while it is true that the unborn child receives its vital principle at the moment of conception, the germ of mentality and its concomitant Evil Inclination are not received until after birth. Thereupon, we are told, *Rabbi* changed his view in favor of the latter period, and subsequently declared publicly: "This fact Antoninus taught me, and Scripture is in his support, as it is said, (Gen. 4.7) 'At the door (of man's entry into the world) sin lieth.'"²⁵ It may be that from the viewpoint of modern psychology *Rabbi* could well have adhered to his original view. Be that as it may, it is sufficiently manifest that the Evil *Yezer*, according to the Rabbis, starts with man at least at birth.

And beginning its dominion over man at birth, it continues its reign over man throughout his entire life, even unto his death. Thus the Rabbis in commenting upon Eccl. 4.13 ('Better is a poor and wise child than an old and foolish king') ask, "Why is the Evil *Yezer* (supposed by them to be referred to in this verse as the 'old and foolish king') called 'old'?" And they answer: "Because it accompanies man from his infancy until his old age."²⁶ Only death delivers man from the *Yezer*: "Why was death decreed upon the righteous? Because as long as they live they have to struggle against the *Yezer Ra'*; but when they die they have rest" (Job 3.17).²⁷ (This justification of the 'ways of God', we might note in passing, while simple indeed, voices a very profound moral truth, namely, that man's moral battle is never done. Even the righteous, as we had occasion to point out in our first chapter, who have made righteousness their life's purpose, have their inseparable 'human nature' to contend against throughout their entire life. The moral man, in order to

reach out after the ever-widening horizons of Duty, will always be called upon to struggle against the discordant forces of his own nature.)

The World to Come is therefore described by Rab in a well-known Talmudic passage as a place where unlike this world "there is neither eating nor drinking nor procreation, nor barter, nor envy, nor hatred, nor competition; the righteous do but sit with their crowns upon their heads and enjoy the Divine Glory, as it is said, (Ex. 24.11) 'And they beheld God and they did eat and drink.'"²⁸

Angels therefore were believed by the Rabbis to be *sans Yezer ha-Ra'*. And the foundation for this belief, as Porter observes, is not in the view that the other world and the beings therein are incorporeal (although, no doubt, this has something to do with it), but in the fact that that world and its inhabitants are not *human* and that therefore the entire human life of man does not apply to it, as is evident from the last quoted passage, which shows that it is not exclusively bodily functions that mark the difference between the two worlds. Porter further observes in this connection: "Nowhere do the Rabbis say what Philo (who derived his metaphysical ideas from Greek sources) says so emphatically, that it is the absence of the bodily nature that makes the difference between the angelic and the human realms".²⁹

In brief, it is again evident from the foregoing that the *Yezer* belongs not merely to the physical nature of man but to the *moral* nature as well.

Now this *evil* inclination of the *Yezer* or human nature, which has thus far been dwelt upon, is it according to the Rabbis entirely or fundamentally evil?

In some of the attempts on the part of the Rabbis to justify the ways of God for His having created this sin-begetting Evil *Yezer*, which incidentally reveal the Rabbis' fine and refreshing modern psychologic grasp of human nature,

we note their sound recognition that many of the so-called evil inclinations of the *Yezer Ra'* are basically not evil at all, for the simple reason that they are indispensable to man's very existence, particularly to his social life, in which latter, true to the Jewish tradition, the Rabbis were so vitally interested. We refer to several significant Talmudic passages that express the belief of many Rabbis that even the Evil *Yezer* as such is also good, or is at least inevitable in this world, and that the only thing to do about it is to attempt to turn it to good uses.

We recall in this connection, first, the well-known Mid-rashic passage,³⁰ where R. Samuel b. Nahman, in explanation of the verse 'And behold it was very good' (Gen 1.31), homiletically interprets the word 'behold' (*hineh*) in this verse as standing for the Good *Yezer* and 'and behold' (*we-hineh*) for the Evil *Yezer*, continuing as follows: "Is the Evil *Yezer*, then, very good? Certainly! For without it man would not build a house, nor marry, nor beget children, nor engage in trade, as it says, (Eccl. 4.4) 'Then I saw all labor and every skillful work, that it is the zeal (rivalry) of one against another'." The point here, as Taylor points out, is obvious, namely, that a certain amount of self-seeking, the impulse not only to sensual pleasure but also to gain and power, though it may easily become evil, is indispensable to the continuance of social and civilized life, and must therefore be considered good.

We may recall here also the significant Talmudic legend³¹ which explains the continuance of the *Yezer Ra'* under the Second Temple as having been due no longer to Israel's fault but to the necessities of this world. This legend informs us that the Israelites from the time of the Second Temple were free from the temptation to idolatry and from the grosser forms of unchastity, but that the *Yezer* of sexual passion continued to hold its sway, for it dare not be destroyed lest

the world come to an end. This highly imaginative but significant legend is worth quoting, and runs in part as follows: "R. Judah, and according to others, R. Joḥanan, said: They cry, Woe, woe, it is this (the Evil *Yeẓer*) that destroyed the Temple, burned the *Hekal*, killed all the just men, and exiled Israel from their land, and still dances among us! Why hast Thou given it to us? Is it not in order to give us greater reward for overcoming it? We wish neither this nor the great reward . . . They fasted three days and three nights, and then he (the Evil *Yeẓer*) was delivered into their hands. Thereupon a flame in the shape of a young lion came out of the Holy of Holies. 'Here he is, the Evil Inclination to Idolatry!' . . . Then they said: 'Since it is a moment so favorable (to Heaven), let us pray against the Evil Inclination to sensual desire'. So they prayed, and it was delivered to them. The prophets said to them, 'Take heed, if ye kill this spirit the entire world will be destroyed!'³² They kept him in prison for three days. In all Palestine they sought for a newly laid egg which was needed for a sick person, but it could not be found. They then said to each other, 'What shall we do? If we kill him, the world will be destroyed. Shall we pray for a part (that sensual desires should exist only in licit cases)? We have a tradition, however, that things are not given by halves from Heaven'. So they rendered him blind in both of his eyes, and left him. The good that came of all this was that since then he (the Evil *Yeẓer*) does not excite desire toward one's nearest kin."

And in accordance with the same logic R. Simeon b. Eleazar wisely enjoined: "The Evil *Yeẓer* and the child and a woman, are things which the left hand should repel and the right hand bring near".³³ And it is in this sense very likely, as Schechter observes, that in the following Midrashic passage the Evil *Yeẓer* is referred to as the *servant* of man: "The Holy One, blessed is He, said: 'See what this wicked people do. When

I created them, I gave to each of them two servants (*bet shamashim*), the one good and the other evil. But they forsook the good servant and associated with the evil one'.³⁴

Even more to the point is the following Midrashic passage which would have us see in the Evil *Yezer*, when it is properly joined to the Good *Yezer*, man's *helpmate*: "A man had two cows," R. Isaac tells us, "one meant for plowing, the other not. If he wants the latter to plow also, he puts the yoke on both. Should you not also join the Evil *Yezer* to the Good, and so be enabled to turn it whither you will? So David prays, (Ps. 86.11) 'Unite (the double *Yezer* of) my heart to fear Thy name'. We are to praise God with the Evil-as well as with the Good *Yezer*'.³⁵

Nay, the Evil *Yezer*, by the aid of the discipline of the Law, may, according to the Rabbis, even be transformed from his usual role as an enemy to that of the *friend* of man. Thus, again, R. Simeon b. Eleazar: "The Evil *Yezer* is like iron. From iron one can make all sorts of vessels if only one cast it in fire. So one can make the Evil *Yezer* useful by the words of the Law", which is proved by Prov. 25.21f: "If thou soothe thine enemy (the *Yezer*) with bread and water (the Law), God will make it thy friend".³⁶

What is evident already from the foregoing as to the subject of the *Yezer Ra'* can be summarized as follows: (a) What the *Yezer Ra'* meant to the Rabbis was nothing more or less than what the present-day social psychologist has in mind when he speaks of the *totality of man's instincts*, of man's innate complex of psycho-physical tendencies with which Nature has endowed him for the preservation of his self and his species. To speak of the eradication the *Yezer Ra'* as such would be tantamount to speaking of the eradication of man's very vital principle. Without the proper functioning of those instincts, individual and social life would be impossible. Nor is this the whole story. This instinctive complex

of ours in the raw—as Nature has given it to us—however rough-hewn it may be, not only makes man's animal life possible but is also the very substratum upon which man's higher, moral and spiritual, life is built. All of our moral 'Sentiments', it is a truism in present-day social psychology, are dependent for their development upon those rough-hewn, 'given', instincts of ours. Indeed, the Moral Sentiments of man are but the resultants of the proper organization of our instincts around an idea—the idea of the Good. What we, therefore, call civilized life is impossible without the proper, legitimate functioning of all of our instincts. To the Rabbis, therefore, the term *Yezer ha-Ra'* was but the collective name for the many instincts with which Nature has endowed man.

(b) What is also evident thus far is the Rabbis' sound and perspicacious recognition, despite their full awareness of its responsibility for sin, not only of the *Yezer's* indispensability for ordinary every-day human life, but also of its great potentialities, if subjected to proper moral discipline, for man's higher, spiritual life.

Now the lurid characterizations on the part of some of the Rabbis of the *Yezer Ra'* would seem to negate the thesis just stated concerning their emphatic recognition of the basic social usefulness and potential goodness of the *Yezer Ra'* despite its inclination to evil.

Let us hear some of these characterizations before making our explanation of this merely apparent contradiction.

Thus R. Hiyya Rabbah: "Wretched indeed is the dough against which its baker testifies that it is bad, as it is said, (Gen. 6.5) 'For the *yezer* of man's heart is evil from his youth'." So Abba Jose Torti agrees: "Wretched indeed is the leaven, that the one who created it testifies against it that it is evil, as it is written, (Ps. 103.14) 'For He knoweth our *yezer*, He remembereth that we are dust'."³⁷

We may recall here the seven epithets which were heaped

upon the head of our poor *Yezer*: "Seven names has the *Yezer Ra'*. The Holy One, blessed is He, called it 'evil' (Gen. 8.21); Moses called it 'uncircumcised of heart' (Deut. 10.16); David called it 'unclean' (Ps. 51.12); Solomon called it 'enemy' (Prov. 25.21), etc."³⁸

We are further told (and this, incidentally, is another attempt on the part of the Rabbis at reconciling God's goodness with the anomaly of His creation of the Evil *Yezer*) that God repented having made the *Yezer*; in other words, it was a divine mistake, a 'miscarriage in creation'. So R. Aibo: "I repent that I created in him the *Yezer Ra'*, for had I not created it in him, he could not have rebelled against me."³⁹

R. Jonathan, again, ascribes to the *Yezer Ra'* truly Satanic deeds: "It misleads men in this world and testifies against them in the world to come,"⁴⁰ basing it on Prov. 29.21 ('He that delicately bringeth up his servant from a child shall have him become a master at the last').

We finally have the arresting statement of R. Simeon b. Lakish: "Satan is the *Yezer Ra'*, as well as the angel of death".⁴¹ On this statement Taylor's remarks are significant: "The *Yezer Ra'*, while here being co-extensive with evil in general, it would not be completely represented by 'the Evil One'."

And very much to the point is Porter's comment upon all the above quoted instances which reveal the tendency of some of the Rabbis to personify the *Yezer*: "The *Yezer*, however vividly it is personified, always remains *the tendency and disposition of man's own heart* (italics ours). Satan cannot be appealed to for the purpose of explaining the origin of the *Yezer*."⁴² The explanation of the origin of the *Yezer Ra'*, according to the Jewish conception, is none other than the *Yezer* itself—man's nature that is naturally inclined to evil. Equally important is this observation of Porter's: "If the *Yezer* in a measure displaces Satan in the rabbinical account

of sin it must be regarded as a movement in the direction of a more ethical and rational conception" (of sin).⁴³ Which more ethical and rational Jewish conception of sin would have it that sin is not due to an external monstrous Evil Power that has somehow taken possession of man, but is the product of his own *Yezer Ra'*—of man's own nature that is naturally inclined to sin or evil.

It therefore requires no arguing, we think, that the Rabbis' purpose in occasionally personifying the *Yezer Ra'* and in insistently dwelling upon its many evil manifestations was not to establish the idea that the *Yezer Ra'* was an external Evil Power which man is powerless to combat—an idea entirely foreign to Jewish thought. Their main purpose was simply moral exhortation—to warn man against underestimating the difficult task, which they considered man's supreme duty, of disciplining his *Yezer* or nature that is *naturally* inclined to evil. All this was but an expression of the Rabbis' realistic conception of human nature. This was but their first strategic step in the battle for the moral education of man, which they strenuously made their own.

The first step in the strategy of successfully meeting an enemy is of course to take the full measure of his strength. The next, to learn the enemy's methods of attack—the enemy's strategy. The next, to develop confidence in one's own strength and resources. And, finally, to give battle to the enemy with the most suitable and effective weapons. And this four-fold strategy was the very one which the Rabbis ingeniously employed in their great battle against that potent 'enemy' within—the *Yezer Ra'*. Let us follow, in the sequel of our discussion of the *Yezer*, these steps in the Rabbis' far-flung strategy in the order just given.

To effectively indicate to man the full measure of the great 'enemy' within, the Rabbis' first pedagogic artifice was the one just mentioned, of personifying the *Yezer Ra'*—those in-

stinctive forces of our nature that stand athwart the paths of duty. This was also accomplished by their dwelling on the long life of the *Yezer Ra'*, on its innateness, and on its inseparableness from man from the moment of his birth until the moment of his death. For the same reason they further warn that the war which the *Yezer Ra'* is waging against man is a continuous, ever-lasting one. Thus R. Isaac, finding Scriptural authority for his statement in Gen. 6.5 ('and every *yezer* of the thought of his heart is evil all day long'), tells us that man's *Yezer* renews its war against him every day.⁴⁴ Likewise Simeon b. Laḳish adds, basing his statement on Ps. 37.32 ('The wicked looketh out for the righteous and seeketh to slay him'), that man's *Yezer* renews its war upon him daily and desires to slay him; and were it not for the help of the Holy One, blessed is He, man would not be able to resist it.⁴⁵ R. Joshua b. Levi, interpreting Prov. 16.7 ('When a man's ways please the Lord, He maketh even his enemies at peace with him'), tells us: that it is customary for one living with one's neighbor two or three years to become friendly with him, but the Evil *Yezer*, though it lives with man from his earliest youth, never becomes his friend, nay, will destroy him even in his seventieth or eightieth year, if it finds the opportunity.⁴⁶ And we have the other significant statement of the Rabbis, mentioned above, that as long as the righteous live they have to fight with the *Yezer Ra'*, and that it is only after their death that they find rest therefrom.⁴⁷

And what are the *Yezer's* methods of attack? R. Akiba and other Rabbis describe in the following passages the method of the workings of the Evil *Yezer*—how it slyly worms itself into man's life and conquers him through evil habit. "At first", R. Akiba tells us, interpreting Isa. 5.18 ('Woe unto those that draw iniquity with cords of vanity, and sin, as it were, with a cart rope'), "the *Yezer* seems like a thread of the cobweb (from which it is easy to disentangle oneself),

but in the end it becomes like a ship's heavy rope (from which it is impossible to free oneself)".⁴⁸ So R. Berakiah in the name of R. Simeon b. Ammi, finding his supporting Scriptural clue in Gen. 4.7 ('Sin lieth at the door'), calls attention to the fact that the verb *robez* (lieth) in this passage is masculine instead of, as it should be (predicating the feminine noun *hattat*) feminine. This suggests to him the thought that the *Yezer* at first seems like a woman—weak and effeminate—but in the end becomes as strong as a man, possessed of masculine strength in overthrowing man.⁴⁹

Raba, by ingeniously interpreting 2 Sam. 12.4 (a verse in the famous parable delivered to King David by the prophet Nathan in the case of Uriah and Bath-sheba, in which appear the three Hebrew terms to be quoted presently), describes the insinuating workings of sin or the Evil *Yezer* as follows: "At first it appears as a modest traveller (*helek*), then as a guest (*orah*), and in the end it becomes the master (*ish*, literally the man)."⁵⁰ Similarly R. Isaac tells us that at first sin appears as a guest, but afterwards becomes the master (*ba'al ha-bayit*).⁵¹ R. Abin observes that he who pampers his *Yezer* in his youth becomes a slave to it in his old age.⁵² And R. Huna comes to a similar conclusion from the fact that the 'spirit of lewdness' is spoken of in one verse by the prophet Hosea (4.12) as 'befooling man' and again (Hos. 5.4) as being 'in them', that at first the Evil *Yezer* befools man, then dwells in him.⁵³

In fact, the Rabbis would incline us to believe that the greater the man, the greater and more violent is his *Yezer Ra'*: Of the 'hidden one' it was said, (Joel 2.20) 'because he hath done great things', on which Abaye comments, "Most of all to the Scribes". And as he grieved over the fact that the Evil *Yezer* in the form of lust had greater power over him than over a common man, an old man came and taught him, "One who is greater than his neighbor, his *Yezer* is also

greater."⁵⁴ Here the *Yezer Ra'*, of course, refers to sensuous passions only. However, it would be in perfect harmony with the Rabbis' entire conception of the *Yezer* if we make the conclusion in this passage stand for man's native energy in general. A Napoleon's tremendous native energy inevitably expressed itself in correspondingly stupendous ambitions, in the realization of which he would not permit such scruples as human life, humanity and ordinary moral principles to stand in the way. Bernard Shaw's little play, *The Man of Destiny*, is an enlightening commentary on the idea expressed in this very interesting passage.

The full measure of the foe and the shrewd methods of his attack having thus been emphasized, which makes of the *Yezer Ra'* a most powerful enemy indeed, where, one is induced to ask, do the Rabbis find the resources to give man the necessary self-confidence to enter into battle with this implacable warrior?

The answer is that what now comes to the Rabbis' aid is their *unitary* conception of man's nature. In the *Yezer*—using this term now in its larger sense of comprising the whole of man's nature—wherein the *Yezer Ra'* is forever present and forever entrenched, there also resides, according to the Rabbis, the *Yezer Tob*: man's *Good Inclination*—in which term the Rabbis include all of man's promptings for the Good—all of man's arduous efforts bent upon making his instinctive life subserve the idea or ideal of the Good. This *Yezer Tob* of man, in the opinion of the Rabbis, is as equally an integral and inseparable part of man's nature as is the *Yezer Ra'*, though not—and this is the important point here—as immediately urgent and aggressive as the *Yezer Ra'*, even as the modern analysis of human nature has it. We therefore find that the *Yezer Ra'*, by dint of being what it is—the totality of man's instinctive life, man's vital force—stands in need of no special effort on the part of man in

order to function. The *Yeẓer Ra'*, indeed, functions naturally and well—very often, only too well! The *Yeẓer Ṭob*, however, and also by dint of being what it is—man's very own but dormant and very recessive promptings for the Good—requires for its successful functioning a special effort on the part of man—moral discipline: inward struggle against the ever-aggressive forces of the *Yeẓer Ra'*. This is why the Rabbis correctly characterize the *Yeẓer Ṭob* as 'poor' and 'weak', being indeed man's poor and weak brother. In their comment, to which we referred above, on Eccl. 4.13 ('Better is a poor and wise child than an old and foolish king'), the Rabbis state that the poor and wise child is the Good *Yeẓer*.—"And why is it called 'child'?—for it does not join itself to a person until the age of thirteen and upwards (i.e., at the beginning of his rational and moral development). And why is it called 'wise'?—because it directs mankind upon the right path. And why is it called 'poor'?—because no one obeys it."⁵⁵

Nevertheless, it is the firm conviction of the Rabbis, this young, poor and frail *Yeẓer Ṭob* is Man. And, however powerful the *Yeẓer Ra'* may be in comparison with the poor and the weak *Yeẓer Ṭob*, man, thanks to it, so the Rabbis insist, can give successful battle to and even conquer his *Yeẓer Ra'*.

We might add parenthetically that the reason why the Rabbis, and practically all Jewish teachers after them, were such great believers in man's moral freedom was that they clung to their belief in the innateness in man of the *Yeẓer Ṭob*, or, which amounts to the same thing, in the fundamental goodness of man's nature. ("O, my God, the soul which thou hast placed within me is pure"—so runs the declaration in the Jewish Morning Prayer.) Because man's nature is fundamentally good and not evil, he possesses by virtue of this

the freedom of ethical choice. "Though everything is forseen", runs the Rabbis famous paradox, "yet free will is given."⁵⁶

The Biblical passage most frequently cited by the Rabbis as proof of man's power to master his *Yezer*, is Gen. 4.7 ('Sin coucheth at the door, and unto thee is its desire, but thou mayest rule over it'), which the Rabbis interpret as follows: "Sin coucheth at the door (of thy heart), and not only this, but he (the *Yezer Ra'*) will spend all his energy to induce you to sin, as it is said, 'And unto thee is its desire'. However, if you desire you can rule over it, as it is said, 'But thou mayest rule over it.'"⁵⁷

"The *Yezer*," teaches R. Abba, in praise of Abraham, and using as his text Ps. 89.24, "is likened to a robber who has become enfeebled and who stationed himself on the highway at the parting of the ways. Each passerby he commanded to deliver to him whatever he had, and everyone, believing that he was still as mighty as ever, gave him all they had. But one wise passerby, noticing that the robber was in an enfeebled condition, began to smite him and succeeded in subduing him. Thus have many generations allowed themselves to be dominated by the Evil *Yezer*: the generation of Enosh, the generation of the Confusion of the Tongues and the generation of the Flood. But when Abraham came and saw that the Evil *Yezer* is really not as strong as people believed him to be, smote him, as it is said, (Ps. 89.24) 'And I will beat to pieces his adversaries before him and smite them that hate him.'"⁵⁸

True, it is only in the power of an Abraham and those like him who were mighty in righteousness, to gain complete dominion over the *Yezer*. "Who is mighty? He that subdues his *Yezer*", is the famous saying of Ben Zoma.⁵⁹ But, the Rabbis insist, it is in the power of every man to discipline his *Yezer*. In fact, it was a truism to the Rabbis that it is only the absolutely wicked who attempt to excuse their sins

because of the power of the Evil *Yezer* in them. Only a Cain will charge God with the responsibility for his crime, because God created in him the Evil *Yezer*. In line with this thought, Jose the Galilean divides all men into three classes: the righteous (*zaddikim*), who are under the rule of the Good *Yezer*, support for which he finds in Ps. 109.22 ('My heart [i.e., my Evil *Yezer*] is wounded in me'); the wicked (*resha'im*), who are ruled only by the Evil *Yezer*, basing this on Ps. 36.2 ('Sin speaks to the wicked in [or in sympathy with] his heart' [i.e., his *Yezer Ra'*]),⁶⁰ and the middle class (*benonim*), who are ruled now by the one, now by the other, deriving this from Ps. 109.31 ('those who judge his soul')—'those' representing the two *Yezerim*.⁶¹

Now, among the weapons furnished by God for the conquest of the *Yezer*, the foremost is the Torah—the study and practice of the precepts of the Law.

The famous verse in Proverbs (25.21) is thus interpreted by R. Berakiah: "If thine enemy (the Evil *Yezer*) be hungry, i.e., prompts thee to evil deeds, give him bread to eat—the bread of the Torah; if he be thirsty give him water to drink—the waters of the Law."⁶²

We find the same thought in the following passage, stated in the name of the Rabbis: "Our Rabbis taught, interpreting Deut. 11.18 ('Ye shall take these my words (*we-sam-tem*) to your heart'):—*we-sam-tem* equals *sam tam*, i.e., a perfect remedy. The Torah is likened to a perfect remedy. It is like a father who smote his son and then put a plaster on the wound, and said to him, 'My son, as long as the plaster is on the wound, you may eat and drink what you please; you may wash in warm water or cold, and need have no fear. But if you take it away an evil ulcer will come forth'. So God said to the Israelites, 'My sons, I created the Evil *Yezer*, I created for it the Law as a remedy (*tablin*: spice or seasoning). If you are occupied with the Law you will not be de-

livered unto its hand, as it is said, (Gen. 4.7) 'If thou doest well, shall it not be lifted up?' But if you neglect the Law you will fall into its power, as it is said, (ibid.) 'And if thou doest not well sin coucheth at the door'; etc."⁶³

So it was taught in the college of R. Ishmael: "My son, if that ugly one meet thee, drag it unto the house of learning. If it is stone, it will be split to powder, for it is written, (Job 14.19) 'The water weareth out stones'; and by 'water' is meant the Torah, as it is said, (Isa. 55.1) 'Ho, everyone that thirsteth, come ye for water'; and if iron, it will be split into pieces, as it is said, (Jer. 23.29) 'Is not my word like as fire, said the Lord, and like a hammer that breaketh the rock in pieces?' "⁶⁴ And R. Simeon adds in the same vein: "If thy *Yezer* comes to make thee frivolous, *rejoice it* in the words of the Torah"⁶⁵ (that is, make it take pleasure in works of goodness instead of works of sin). What a wealth of psychological and ethical truth in this comment of R. Simeon's!

It is for this reason also that we are told by the Rabbis in their quaint and interesting way that in spite of the angels objecting to God for His desire to give the Torah to Israel, who are mere 'flesh and blood', and therefore, in their opinion, unworthy of it, and in spite of the angels' insistence that the Torah should rather be given to them as the more deserving of it, God nevertheless gave the Torah to Israel. The very good reason for this was, of course, that the angels being without the Evil *Yezer* stand in no need of the moral discipline of the Torah, while Israel, because of the very fact of their being 'flesh and blood', that is, human, and therefore possessing the Evil *Yezer*, do stand in need of it. We are therefore told by R. Joshua b. Levi: "When Moses ascended to heaven, the ministering angels said unto the Holy One, blessed be He, Sovereign of the universe, what has one born of a woman to do among us? He has come to receive the Torah, was the divine answer. What! said they unto

Him, art Thou about to bestow unto flesh and blood (Ps. 8.5) that cherished treasure . . . ? 'What is mortal man that Thou are mindful of him, and the son of the earth that Thou visitest him?' (ibid.). O God, our Lord, is not Thy name already sufficiently exalted in the earth? 'Confer Thy glory upon the heavens' (ibid. v. 2). The Holy One, blessed is He, then called upon Moses to refute their objections. Whereupon . . . Moses said to the angels: . . . Of what use can the Torah be to you? . . . What is written in it? . . . —'Thou shalt not mention the name of thy God in vain' (Ex. 20.7). Is there business amongst you? . . . Again, what else is written there?—'Honor thy father and thy mother' (ib. 20.12). Have you a father and a mother? And, again, what else is written in it?—'Thou shalt not murder, thou shalt not commit adultery, thou shalt not steal' (ib. 20.13). Does jealousy exist among you? Does the Evil *Yezer* exist among you? The angels at once confessed that the Holy one, blessed be He, was right, for it is written, (Ps. 8.2) 'O Lord, how excellent is Thy name in all the earth', and no longer is it written (as in ibid. v.2), 'Confer Thy glory upon the heavens'."⁸⁸

On the other hand, it is because man is possessed of the Evil *Yezer*, and dutifully struggles against its domination, that he is considered as a being superior to the angels. Thus we are told by R. Judah ben Ila'i, interpreting Job. 38.7 ('When the morning stars sang together, and all the sons of God shouted for joy'): "The angels said in the presence of the Holy One, blessed is He, 'Master of the World, why are we not allowed to intone our song here in heaven *before* Israel sing their song below on earth?' And the Holy One, blessed be He, answered, 'How shall you say it *before* Israel? Israel have their habitation on earth; they are born of woman, and the Evil *Yezer* has dominion in their midst, and nevertheless they oppose the *Yezer* and declare My Unity every day, and

proclaim Me as King every day, and long for My Kingdom and for the rebuilding of My Temple'.⁶⁷

In this connection the remarks of Lazarus are very apt: "The most important factor, however, in the Rabbinical view of man is not that his natural instinct is two-fold, and that from the first the evil impulse was held to be accompanied by the good impulse. There is another, a more universal and more comprehensive thought: 'God created the evil impulse, but he also created the Torah, the moral law, as a spice (remedy, antidote, corrective) for it'.⁶⁸ It is not a question of man's natural aptitude, not even of his aptitude for good. The law that releases man from the trammels of the natural instinct . . . this is the momentous consideration."⁶⁹

Of course, the mere study of and preoccupation with the Torah is frequently not sufficient to get the best of the Evil *Yezer*. The Rabbis also urge as another weapon a continuous struggle with the *Yezer*. So R. Levi b. Hama in the name of Simeon b. Lakish teaches: "At all times let man stir up his Good *Yezer* against his Evil *Yezer*, for it is said, (Ps. 4.5) 'Bestir yourselves, and sin not'. If he conquers it (the Evil *Yezer*), it is well, but if he does not, then he should study the Torah, for we read, (ibid.) 'Commune with your heart' . . . If he conquers it, then it is well, but if not, he should then remind himself of the day of death, for it is written, 'And be still, Selah.' "⁷⁰

In the last passage we note another suggested weapon for overcoming the Evil *Yezer*, namely, the contemplation of death.

Prayer for divine help, or grace, is also mentioned together with the other weapons as a necessary aid for the delivery of man from the Evil *Yezer*. Thus Rabbi Simeon b. Levi: "The Evil *Yezer* seeks constantly to get the upper hand over man and to destroy him, and if it were not for the help of God he could not resist it."⁷¹ We therefore have a prayer, to be said in connection with the *Shema* upon retiring at night,

which contains the petition: "Bring me not into the power of sin or temptation, or shame, and let not the Evil *Yezer* rule in me."⁷² So does the Morning Prayer contain a similar petition: "Bring me not into the power of sin, temptation, or shame; and bend my *Yezer* to submit itself to thee, and keep me far from evil men and evil associates, and let me hold fast to the Good *Yezer* and to the good associate."⁷³ In *Berakot* (16b, 17a, and 60b) we find some very interesting private prayers of *Rabbi*, R. Alexandri, and Mar bar R. Huna, which contain similar petitions for God's aid in the conquest of the Evil *Yezer*.⁷⁴

R. Alexander's prayer is very significant, and is frequently quoted on the subject of the *Yezer*: "Lord of the worlds, it is open and known to Thee that it is our will to do Thy will, and what hinders?—the leaven in the dough (*se'or shebe-'isah*), i.e., the Evil *Yezer*, and servitude to the kingdoms. May it be Thy will to deliver us from their hand, and we shall return to perform the decrees of Thy will with perfect heart."⁷⁵

And still another important and characteristically Jewish weapon against the Evil *Yezer*, one, in fact, inseparably connected with the great spiritual arsenal of the Torah, is works of loving-kindness (*gemilut ḥasadim*), i.e., deeds of justice and humanity to our fellows. Thus R. Joḥanan in the name of Bena'ah: "Blessed is Israel! As long as they are occupied with the study of the Torah and with deeds of loving-kindness, the Evil *Yezer* is delivered into their hands, and not Israel into the hands of their *Yezer*."⁷⁶

The ultimate aim of all these weapons is of course to build character through the rearing of proper habits—moral habits, to counter the similar clever strategy of the *Yezer Ra'*, which consists, as we indicated above, in worming himself into man's life as habit, only in his case it is evil habit. And these moral habits once established lend increasing strength to the *Yezer Tob* in his battle against the 'old and foolish king'.

Interpreting Isa. 5.18, 'Woe unto them that draw iniquity with cords of vanity, and sin as it were with a cart rope', the Rabbis state: "The hand of sin is first slender like a spider's thread, but afterwards becomes thick and strong as a cart rope. *Rabbi* said, He who performs one precept for its own sake let him not rejoice over that precept (alone), for in due course it will draw after it many others; and he who commits one transgression let him not deplore that (only), for it will be the cause of many others. 'For precept leads to precept and transgression to transgression.'"⁷⁷ So Ben 'Azzai: "Hasten to do even a slight precept and flee from transgression, for one duty leads to another and one transgression draws another in its train".⁷⁸ Taylor, in his comment on this verse, writes: "Habits are formed by the repetition of single acts. When a man discharges or disregards a duty he thereby predisposes himself for a like course of action on a future occasion. The passing act of transgression leads to a settled course of evil. He who first 'walks in the counsel of the ungodly' (Ps. 1.1), next 'stands in the way of sinners', and at length 'sits in the seat of the scornful'."⁷⁹

Thus by the aid of these spiritual weapons, according to the Rabbis, may the Evil *Yezer* of man be controlled, disciplined, conquered even. But—and here we again recognize the Rabbis' profound insight into human nature—never eradicated. Never can man actually free himself of the *Yezer Ra'*, for to do so would be tantamount to his de-humanizing himself.

The Rabbis, indeed, did entertain the fond hope that some day man would be freed from the burden of the Evil *Yezer*, but that could not be, as far as the individual is concerned, until the advent of his death, the Evil *Yezer* being man's vital impulse; and as for the race, until the Messianic times, in other words, when man will no longer be human, at least in the present world's sense of the term.

The Rabbis, it is true, do remark occasionally that in the case of the very righteous (as in the case of the Patriarchs) the Evil *Yezer* was already 'slain' during their lives on earth, as is proved by Ps. 109.22 ('My heart [i.e., *Yezer*] is wounded in me').⁸⁰ But this was but a highly figurative way of saying that in the case of the very righteous the *Yezer Ra'* could not destroy them morally, for they held the *Yezer* in complete control. One's being entirely freed from it in the literal sense, however, was possible only upon one's death. For this reason the Rabbis included death amongst those things that are 'very good', for death delivers man from the Evil *Yezer*. This is based upon Job 3.17 ('There the wicked cease from troubling')—from troubling God, apparently because they are *sans Yezer* which incites to sin. For the same reason, as we quoted above, the righteous find rest after death, for as long as they live they are called upon to struggle against their *Yezer*.⁸¹

Yes, only in death can come man's complete emancipation from the Evil *Yezer*—and of course in the Messianic Age, or in the World to Come: "The Holy One, blessed is He, said to Israel: In this world, on account of the Evil *Yezer*, you are lax in the observance of the commandments; in the time to come, however, I will rout it out of you, as it is said, (Ezek. 36.26) 'My spirit I will put into you, etc.'"⁸²

In fact, we even hear of mourning at the advent of the slaying of the *Yezer Ra'* by God—in the Hereafter—a sort of an experience of sorrow at the parting with an old friend, who, however troublesome, was nevertheless an indispensable comfort during man's earthly life. The mourning spoken of in Zech. 12.2 was explained by some to be for Messiah b. Joseph who was slain, but by others for the Evil *Yezer* that was slain. Judah b. Ila'i explains why the mourning instead of the expected joy over the slaying of the *Yezer*: "Hereafter the Holy One will bring the Evil *Yezer* and slay it

before the face of the righteous and the wicked. It will seem to the righteous like a high mountain, to the wicked like a hair. Both will weep. The righteous will weep, saying, 'How were we able to conquer this high mountain!' The wicked will weep saying, 'How were we not able to conquer this hair!' (What a fine ethical thought here!) And the Holy One also will be astonished with them, in accordance with Zech. 8.6 ('Also in Mine eyes will it seem wonderful')."⁸³

Let us now briefly sum up our findings on the Rabbis' conception of the *Yezer*: When the Rabbis speak of the *Yezer* they have in mind nothing more nor less than *man's nature*. Man's *Yezer*, or nature, to the Rabbis, is a unity. The *Yezer* is two-fold, indeed, consisting as it does of the Evil *Yezer* and the Good *Yezer*, yet it is not conceived as dualistic: neither its Evil-nor its Good Inclination is outside of man's nature, both being part and parcel of it. Man's nature or the *Yezer*, the Rabbis freely admit, is naturally inclined to evil. That is why they speak of it so often—mainly for reasons of moral instruction and exhortation—as *Yezer ha-Ra'*, i.e., *man's nature that is naturally inclined to evil*. In fact, very often when they use the term *Yezer* alone, without the qualification of *ha-Ra'*, they mean the *Yezer Ra'*—the particularly evil inclination of man's nature.

By *Yezer ha-Ra'* the Rabbis mean exactly what we mean today when we speak of 'human nature' in a disparaging way,—as that instinctive, human complex that stands in the way of greater moral or spiritual progress; that thwarts man's attempts to put into practice those duties that are the expression of a more ideal conception of life. In religious terminology, it is that Inclination in our nature that incites man to sin, and is therefore properly characterized by them as *Yezer ha-Ra'*—the Evil Inclination. The *Yezer Ra'* as such—as incitation to sin—as the enemy of Duty—must be fought tooth and nail; it must be suppressed. But the *Yezer Ra'*,

with the Rabbis, has another and wider meaning. In that wider meaning it stands as a collective name for what we call today man's entire, complex instinctive life, without which human and social life is not only incomplete but impossible. As such it must *not* be suppressed; as such it must be allowed its indispensable, legitimate, full-orbed life—providing we do not forget that we are in duty bound to make all of its natural and necessary activities subserve man's higher life, man's highest good. As such, even the *Yezer Ra'* is *not* an enemy of Duty. As such moreover, and by the aid of the Good *Yezer* and the discipline of the Law, it can readily be made Duty's ally and friend.

Again, in the self-same *Yezer* or nature of ours, wherein God implanted the many-faceted *Yezer Ra'*, God also implanted the *Yezer Tob*—the Good Inclination—which is also a collective term for all of the moral or ideal tendencies of our self that prompt us to a higher, spiritual life—that beckon toward the highways of Duty. Our *Yezer Tob* is a poor and weak brother indeed beside the *Yezer Ra'*. Such, however, it is only in its natural, morally-undeveloped state. But once we put it under rigid moral discipline—in the case of the Jew, the rigid Discipline known as the *Torah*—the *Yezer Tob*, so the Rabbis out of their profound moral experience insist, can grow strong enough, not only to resist the evil machinations of the 'foolish king', but even to make the latter its slave. It can, in brief, enable man to subject the legitimate activities of his *Yezer Ra'* to the ideal interests of his higher life.

Man's nature, then, as Judaism teaches, is a unity. Though composed of both the Evil Impulse and the Good Impulse, it is nevertheless one. In the words of Lazarus, "as little as *Yezer Tob* means the purely spiritual so little does *Yezer ha-Ra'* stand for sensuality."⁸⁴ The Rabbis' division of human nature into the *Yezer Tob* and *Yezer ha-Ra'* has nothing to

do with the dualistic separation of body and soul. "It must, moreover, be evident apart from any positive explanations of Paul's doctrine", Porter aptly states, "that the parallelism between his contrast of spirit and flesh and the rabbinical contrast of the good and evil impulse is remote and insignificant. Of course, Paul in Rom. 7 is describing the same experience of struggle between two opposing forces in man upon which the Jewish doctrine rests, but his way of expressing the struggle as a war between the law (of sin) in his members and the law of his mind (*nous*), or between that which he possesses and does in his flesh and in his mind, is widely different from the Jewish conception, and seems to rest on a different view of the world and of man".⁸⁵

This dualistic view of human nature, which was brought to the fore by Plato, and later made fundamental in Gnostic teaching and in St. Paul, is foreign indeed to the Jewish conception of man's nature as outlined in the foregoing discussion. The dualistic conception insists on making an arbitrary cleavage between the spirit and the flesh, between body and soul. Body and soul, according to this conception of human nature, are conceived as two essentially contrasted and totally unrelated entities—the soul *only* being the man and the poor body being an entirely foreign and even hostile power to the soul and the soul's higher life. It was this conception of human nature that inevitably resulted, as Porter observes, in, among other things, an ascetic ethics, the basic idea of which was that virtue can be attained only by the subjugation of the body, in which evil has its seat and power. This dualistic conception, so radically opposed to Hebrew thought, exerted indeed strong influence on Hellenistic Jewish thought—on Philo, on the authors of Fourth Ezra and the Apocalypse of Baruch. But even these Hellenistic Jewish authors, though voicing very emphatically this Greek dualism, remained, as

Porter convincingly shows, basically true to the Jewish unitary conception of human nature.⁸⁶

The same, on the whole, is true as regards the medieval Jewish philosophers, dominated though they were by Platonic or neo-Platonic dualistic conceptions of man's nature. We note this especially in Maimonides, who, though emphatic to be sure on the Platonic dogma that matter and the body are the sources of all evil, nevertheless is equally as emphatic in his contention that the human being is not born either good or evil. To be sure, man is not endowed with perfection at the beginning; but, Maimonides insists, he does at first possess moral as well as other perfection '*in potentia*', which proper training will turn into actuality.⁸⁷ While holding in the true Greek fashion to the dualism of man's nature and arguing that "man's shortcomings and sins are all due to the substance of the body. . . . while all his merits are exclusively due to its form" (i.e., the intellectual faculty), Maimonides nevertheless proceeds to assert that "for these reasons the Creator gave to the form of man power, rule and dominion over the substance; the form can subdue the substance, refuse the fulfillment of its desires, and reduce them, as far as possible, to a just and proper measure."⁸⁸ Elsewhere, commenting on Ps. 32.9 ('Be ye not as the horse or as the mule which have no understanding, whose mouth must be held with bit and bridle'), Maimonides states: "This means that what restrains beasts from doing harm is something external, as a bridle and a bit. But not so with man. His restraining agency lies in his very self, I mean his human framework. When the latter becomes perfected it is exactly that which keeps him away from those things which perfection withholds from him and which are termed vices; and it is that which spurs him on to what will bring about perfection to him, viz., virtue."⁸⁹ And the fact that this Greek dualistic conception of human nature was with our medieval sages only apparent, because

of it being foreign to Jewish thought, explains the comparatively mild character of their leanings toward asceticism and their strong denunciations of the extreme mortification of the flesh and the complete removal from social life practised in their times by members of other Faiths.

In remaining true to its traditional unitary conception of man's nature, Judaism wisely continued, on the whole, to look upon sin as something that is involved in, and is the inevitable result of, man's *Yezer Ra'*—of man's instinctive life—of man's humanity—which man, thanks to his own *Yezer Tob*, can, with the aid of the moral discipline of the *Torah*, combat. Judaism thus wisely steered clear of the socially-unfortunate obsession that constrained other religions to transform sin into a Frankenstein—into a monstrous, external Power, from which man can escape only by escaping social life and civilization, thus being left with the only alternative of attempting to achieve virtue and the salvation of his soul by the *via dolorosa* of Asceticism.

CHAPTER V

THE RELIGIO-ETHICAL MOTIVE BEHIND THE JEWISH IDEA OF DUTY.

*"And ye shall be unto Me a kingdom of priests
and a holy nation." (Exodus 19.6.)*

SYNOPSIS—The religio-ethical motive behind the Jewish idea of duty: the one fundamental supreme motive in Judaism, from which all others are derivatives: Israel's whole-souled loyalty to its supreme national duty of being a holy people unto God; the derivative motives: (a) *Imitatio Dei*; (b) sympathy or humanity; (c) justice; (d) love of God and man, and its relation to the 'practical motive' of reward and punishment; (e) '*le-shemah*' or '*le-shem Shamaim*', or duty for duty's sake; (f) the 'Sanctification and Desecration of the Name' (*Kiddush-and Hillul ha-Shem*); (g) the motive of loyalty to, or love of, God's Law.

A good starting point for the analysis of the motive or motives which Judaism has cherished and has attempted to inculcate as the driving power behind duty, is the Book of Deuteronomy—that sublime ethical deposit of the teachings of Israel's pre-exilic Prophets. For in that lifting prophetic law book of Israel, we encounter for the first time references to, and emphasis on, the proper motives for religious and ethical duties.

The Deuteronomist had evidently reached the stage of ethical development which implanted in him the irresistible urge to *reason* about morality, conduct and duty. The great ethical significance of Deuteronomy lies in the fact that in his treat-

ment of the laws, the Deuteronomist, as Driver remarks, "does not merely collect or repeat a series of legal enactments, but he 'expounds' them (*ho'il Moshe be'er et ha-torah ha-zot*),¹ that is, he develops them with reference to the moral and religious purposes which they subserve and to the motives from which the Israelite ought to obey them."² And this process is of course inevitable, for once you begin to reason about morality or duty, you cannot help but proceed to examine its springs and roots—that which is responsible and makes for duty—namely, the motive.

Another reason why we find Deuteronomy a good starting point for our discussion of the motive in Jewish religious-ethical teaching, is the fact that what applies to Deuteronomy as to the question of motive for moral conduct applies equally to all subsequent Jewish teaching on this subject, and that goes naturally for the teachings of the pre-exilic Prophets beginning with Amos who are responsible for the high ethical tone and content of Deuteronomy.

Now Deuteronomy, as we will presently show, dwells not upon one but upon several motives for religious and ethical duty. However, these several motives, to our mind, are only derivatives or corollaries of *the one* fundamental supreme motive that is held up to Israel by the Deuteronomist. And what is this one, fundamentally supreme national motive? The answer is obvious to one who is at all familiar with Deuteronomy and the pre-exilic Prophets who are largely responsible for Deuteronomy. The priestly-prophetic authors of Deuteronomy fully made their own these Prophets' teachings concerning Israel's 'peculiar' moral relationship to God, Israel's 'peculiar' national destiny. They fully absorbed the far-flung ethical implications of the 'therefore' in the morally pregnant charge of Amos: "You only have I known of all the peoples of the earth, *therefore* will I visit upon you all your iniquities!" (Amos 3.2). In this very spirit speaks the Deuter-

onomist (6.7): "For thou art a holy people unto Yhwh thy God; Yhwh thy God hath chosen thee to be His peculiar people (*'am segulah'*)"—'peculiar' in being holy. The Deuteronomist's thesis, in brief, is this: Israel, through its historic Sinaitic covenant, established a special moral relationship to God. Through this covenant, Israel voluntarily covenanted itself, obligated itself, assumed as its unique national duty for all time, to be a 'holy people' unto God, a people just and humane, loving God and following His law, without regard to the conduct of other nations. From this 'peculiar' historic relationship to God, then, flows Israel's chief national duty—to be this holy people unto God, and its supreme motive—to be faithful and loyal "with all thy heart and all thy soul" to its 'appointment' or its historic role as a holy people. And it was owing to this leading idea of Deuteronomy—unique in the annals of the nations both because of the early date of its origin and its lofty moral content—that the Deuteronomic lawgivers set for themselves as their main object, in the words of Montefiore, "to transform the Judah of Josiah's day unto a peculiar people, holy and just, loving God and following God's law."³ From this leading and lofty national motive, then, naturally and inevitably flow all the other motives upon which the Deuteronomist dwells.

It also needs no arguing, we believe, that this leading ideal and motive of Deuteronomy was equally that of the Holiness Code, with its leading refrain: "Holy shall ye be; for I, the Lord your God, am holy" (Lev. 19.2). And it was also the guiding theme of the Priestly Code—the spiritual descendant of H. These various codes, following the lead and inspiration of the Prophets since Amos, unanimously agree on this foremost idea and ideal of Israel's peculiar moral relationship to God and its specifically moral national destiny, the only difference between them being the greater emphasis laid by H. and P. as compared with Deuteronomy on the importance

of ritual holiness in the attainment of this chief prophetic national goal. And it is equally manifest to one familiar with Talmudic and Rabbinic literature, that with later Judaism the same prophetic national ideal remained as the leading motive toward an exemplary righteous and pious life on the part of the Jew. Of the revolutionary and unique *universal* scope of this chief ideal and motive of Israel, we will have much to say later on.⁴

It follows, therefore, that to make any particular ethical motive that is dwelt upon in Jewish religious literature—whether Biblical or Rabbinic—represent *the* motive underlying Jewish moral teaching without reference to this ruling and sublime national ideal and motive, is truly to misrepresent Jewish teaching on this subject. If this important principle is borne in mind, the unbiased student of Judaism, if he chance in Jewish religious and ethical literature upon some motive, either stated or implied, that may not seem inordinately exalted, will be inevitably compelled to look upon it, not as a motive—certainly not as *the* motive—that characterizes Jewish religious or ethical teaching, but rather as a back-sliding from this exalted basic and comprehensive national motive of Judaism, which became basic and traditional in the religious psychology of Israel as early as, if not earlier than, the advent of the Great Prophets.

One of the several motives for righteous conduct upon which Deuteronomy dwells, and which like all the others may properly be considered a derivative from and a corollary of the one leading ideal and motive of Judaism just alluded to, is that of *Imitatio Dei*,⁵ which Maimonides lists as the eighth of the affirmative commandments (*Mizvot 'Asseh*) of the Law: "To resemble Him in His good and upright ways, as it is said, (Deut. 28.9) 'And walk in His ways'."⁶

The *Imitatio Dei* idea is based on the celebrated verse in the Holiness Code, "Ye shall be holy, for I, the Lord your

God, am holy" (Lev. 19.2). One's motive, in accordance with this principle, is to strive after holiness in character, in imitation or emulation of God's Holiness:—the desire of the copy to be like the Pattern. This motive, as Abrahams remarks,⁷ and as we will attempt to show, became with the Rabbis the highest motive for loving-kindness and charity.

The Jewish commentators, as Abrahams points out, very felicitously connected Lev. 19.2 with Gen. 1.26, and thereby enriched our formula of Imitation, by giving us the two significant and correlated ideas, namely: "Be ye holy, for I am holy", and "Created in the image of God." We thus have the significant idea, that (as Abrahams put it) "man imitates God by stretching upwards towards the Holiness which resides in him."⁸

As is apparent from the basal text for the *Imitatio Dei* idea, quoted above, the Pentateuch sets the Imitation formula in terms of holiness, which is quite natural and inevitable, since holiness is the supreme ideal of the Law. About the Rabbinical expansion of the Pentateuchal idea of holiness into the even higher idea of *Hasidut*, we will have occasion to speak later on (Chapter VI).

As Schechter points out, the idea of holiness in Israel originated in the Jewish conception of the Kingdom, and in Israel's consciousness of its close relation to God, the King. This idea of the intimate association of Israel with God unavoidably brought with it the correlative duty of holiness. Thus, in the words of Schechter, "Holiness in its broad features, is but another word for *Imitatio Dei*."⁹

Israel's intimate association with God and the consequent duty of imitating God by being holy like Him, is brought out in Abba Saul's interpretation of Lev. 19.2 ('Ye shall be holy, for I the Lord am holy'): "Israel is the *familia* of the King, whence it is incumbent upon them to imitate the King."¹⁰

The same idea is very strongly stated in *Midrash Tanhuma*:

“ ‘Ye shall be holy’, and why? ‘Because I am holy’, for I have attached you unto Me, as it is said, (Jer. 13.11) ‘For as the girdle cleaves to the loin of a man, so I have caused to cleave unto Me the whole house of Israel’.”¹¹ So, a little earlier in the same *Midrash*: “God said to Israel: Even before I created the world you were sanctified unto Me. Be ye therefore holy as I am holy. The matter is to be compared to a king who sanctified (by wedlock) a woman unto him and said to her, Since thou art my wife, what is my glory is thy glory; be therefore holy even as I am holy.”¹²

Israel being thus intimately associated with God, even as the *familia* to the king, even as the wife to the husband, even as children to the father (cf. Lev. Rabbah, 24.4), what more natural than that Israel should accept God as their Model or Pattern, and that they should conceive it as their duty to imitate Him in His Holiness?

Now, what is the nature of this *Imitatio Dei* idea which, as Abba Saul interpreted it, is identical with holiness?

Negatively we have this idea expounded by the Rabbis in terms of separateness, which is probably the original meaning of holiness.¹³

Thus in the *Sifra* on Lev. 19.2, we are told that God’s holiness that Israel is to imitate consists in separateness: “Be ye holy—be ye *perushim* (separated).”¹⁴

By divine separateness, as Schechter explains, the Rabbis do not mean any metaphysical remoteness, but rather the withdrawal from all things impure and defiling—things incompatible with God’s holiness. Israel, in order to become God-like, must remove themselves from everything impure and defiling, from idolatry, adultery, and the shedding of blood—the three cardinal sins or defilements (*tumot*),¹⁵—not to mention the numerous other ‘minor’ sins or defilements which the highly developed moral sense of the Rabbis declared, in promulgating their ideal of *Hasidut*,¹⁶ to be tantamount to these

cardinal sins, as for instance, the putting of a man to shame in public (which was considered by the Rabbis as grievous a sin as murder, depriving the culprit of a share in the world to come¹⁷), etc.

On its positive side, we find in the principle of *Imitatio Dei*, which was based on the idea of God's holiness, the foundation for the forgiving spirit: God is to be imitated in the gracious and forgiving attributes of His nature.

So Abba Saul interprets the much disputed word *we-anwehu* in Ex. 15.2: "‘I will imitate Him (*we-anwehu*)’: As He is merciful and gracious, be thou merciful and gracious."¹⁸

So the *Sifre* on Deut. 11.22: "‘To walk in all His ways’: These are the ways of the Holy One, as it is said: ‘The Lord, a God merciful and gracious, slow to anger, and abundant in goodness and truth, keeping loving-kindness to thousands (of generations), forgiving iniquity and transgression and sin, and clearing’ (Ex. 34.6); and it says, ‘Whosoever will be called (reading *yikkarè*) by the name of the Lord shall be delivered’ (Joel 3:5). How is it possible for man to be called by the name of the Holy One? Nay, as God is called merciful and gracious, so do thou also be merciful and gracious, and give gifts freely to all; as the Holy One is called righteous, as it is said, ‘Righteous is the Lord in all His ways and kindly (*hasid*) in all His works’ (Ps. 145.17), so be thou also righteous; as the Holy One is called kindly in all His works, so be thou also kindly, etc."¹⁹

Even more explicit on the subject of man's duty to imitate God's gracious ways, is R. Ḥama bar Hanina: "What does Scripture mean when it says, ‘After the Lord your God shall ye walk’ (Deut. 13.5)? Is it possible for a man to walk after His Presence (*Shekinah*)? Is it not previously said, (Deut. 4.24) ‘For the Lord thy God is a devouring fire?’ Nay, but walk after the attributes of the Holy One (i.e., imitate His character): He clothes the naked (Gen. 3.21,—

Adam and Eve); He visits the sick (Gen. 18.1,—appeared unto Abraham when he was ailing); He comforts mourners (Gen. 25.11,—consoled Isaac after the death of his father); He buries the dead (Deut. 34.6,—interred Moses in the valley); do thou also bury the dead.”²⁰ “R. Simlai lectured”, the *Talmud* continues here, “the Torah begins with deeds of loving-kindness (*gemilut hasadim*), and ends with deeds of loving-kindness; it begins with deeds of loving-kindness, as it is written, (Gen. 3.21) ‘And the Lord God made unto Adam and to his wife coats of skin and clothed them’; and it ends with deeds of loving-kindness, as it is written, (Deut. 34.6) ‘And he buried him (Moses) in the valley.’ ”²¹ Thus from first to last”, as Abrahams remarks on this beautiful passage, “from Adam’s days in the beginning to Moses’ death in the end, from Genesis to Deuteronomy, the Law, according to the Rabbis, bids the Israelites imitate God”.²²

In the same vein the *Midrash* tells us: “The profession of the Holy One, blessed be He, is charity and loving-kindness. And Abraham, who will command his children and his household after him ‘that they shall keep the way of the Lord’ (Gen. 18.19), is told by God: ‘Thou hast chosen My profession, wherefore thou shalt also become like unto Me, an ancient of days.’ ”²³

Man is to imitate God in suffering abuse in silence. In the *Midrash* to Psalm 86, we are told by R. Abba in the name of R. Alexandri: “‘Preserve my soul, for I am godly’ (ibid. v.2): Whoever hears himself cursed and is silent, though he has the power to destroy (his assailants), becomes a partner with God, who hears the blasphemies of heathens and ignores them. David heard himself reviled (by Shimei), but was silent. There he says: ‘Preserve my soul, for I am godly.’ ”²⁴

And needless to say that God is to be imitated also in the performance of duty from the highest motives. This

admonition we find tersely expressed in the *Sifra*: "As He is single in the world, so shall ye be single-hearted, as it is said, 'And ye shall circumcise the foreskin of your heart'."²⁵

To be sure, there are some divine qualities or activities which man is not permitted to imitate, such, for instance, as anger and vengeance, for these are only the prerogatives which God alone can properly exercise, being, unlike man, the Master of them, and never being mastered by them. "Man's anger", *Rabbi* observes, "controls him, but God controls His anger, as it is said, (Nahum 1.2) 'The Lord avengeth and is Master of wrath.'" So R. Johanan informs us: "Man's jealousy overpowers him, but God overpowers jealousy, as it is said, 'The Lord is God over jealousy (*el kana*) and avengeth'"—taking the word *el* in the sense of 'strong' or 'master of'.²⁶ So the *Mekilta*, on Ex. 20.5 ('I the Lord, thy God, am a jealous God'), interprets the verse to mean: "I am Master of envy, and envy is not master of Me".²⁷

On the other hand, the exercise of these qualities by man works havoc with his spiritual gifts; he must therefore refrain from imitating God in these qualities. "Thrice was Moses angry", R. Huna explains, "and thrice he failed to reproduce the mind of God."²⁸ Similarly R. Simeon b. Laqish observes: "A man who becomes angry, if he be a sage will have his wisdom depart from him; and if he be a prophet, will have his prophecy depart from him", instancing here the cases of Moses (Num. 31.41) and of Elisha (2 Kgs. 3.14).²⁹

It is for this reason that the prophet Elijah, who said, "I have been very jealous for the Lord God of Hosts" (1 Kgs. 19.10), was rebuked by God thus: "Thou art always jealous". And for this reason was he removed from his prophetic office, Elisha being appointed in his stead.³⁰ It is thus distinctly taught that man must not imitate God in the following four things, which God alone can properly exercise: jealousy (Deut. 6.5), revenge (Ps. 94.1), exaltation (Ex. 15.21, Ps. 93.1),

and acting in devious ways.³¹ "The whole Rabbinic literature", observes Abrahams, "might . . . be searched in vain for a single instance of the sterner of the Old Testament attributes of God being set up as a model for man to copy."³²

Our *Imitatio Dei* principle takes on an interesting development in the Rabbis' conceiving of God—the Perfect Model—as setting the example to Israel of obeying the precepts of His own Law. Which idea, as Abrahams well remarks, throws light on the Talmudic statements that God studies His own Torah ('Abodah Zarah 3b), and wears phylacteries and the fringed garment (Rosh ha-Shanah 17b). Weber characteristically stigmatizes this quaint idea of the Rabbis as a coarsening process of 'Judaizing' the God-idea (Jüdische Theologie, #32). Schechter more correctly prefers to regard it as an attempt on the part of the Rabbis at 'humanising the Deity'.³³ And Abrahams properly looks upon the anthropomorphic tendency of such passages as an element in the idea of Imitation, quoting Schechter on this subject:³⁴ "A great number of Scriptural passages, when considered in the light of Rabbinical interpretation, represent nothing else but a record of a sort of *Imitatio hominis* on the part of God",³⁵ which in turn, as Abrahams puts it, is but a "logical correlative of the *Imitatio Dei*".

The *Imitatio hominis*, correlative idea of *Imitatio Dei*, is further brought out by the Rabbis in their representations of God as imitating acts of human generosity. Thus Abraham's readiness to suppress his feelings in offering Isaac, is to find a match in God's readiness to suppress His wrath.³⁶ Again, God consents to imitate Joseph's forgiveness of his brethren: "I will be unto Israel a brother like unto Joseph".³⁷

Abrahams also brings out the fact that the Rabbis dwell often on the intimate interdependence of Pattern and copy. This makes the relationship between the Imitated and the imitators significant indeed, lifting the actions of man, as it

were, to divine importance. Simeon ben Yoḥai expressed this idea very effectively in his comment on Isa. 43.12: "‘Ye are my witnesses and I am God’: If ye are my witnesses, then I am God; but if ye are not my witnesses, then I am not God."³⁸ This thought, however, is properly modified in the *Sifra* as follows: "I am holy, whether ye hallow me or not".³⁹

The idea of the intimate interdependence of the Model and the imitators runs through numerous statements of the Rabbis. To quote one or two others: The *Midrash* tells us that God is Israel's light, and yet He yearns for the light which Israel kindles in the sanctuary.⁴⁰ It is man's worship of God, so tells us R. Joḥanan in the name of R. Eleazar, that constitutes the whole worth of the world to the Creator.⁴¹ This view appears again, very convincingly, in the whole cycle of ideas connected with the distinctive Jewish concept of 'the Sanctification of the Name' (*Kiddush ha-Shem*), which will be treated later in this chapter.⁴²

Among the other derivative motives dwelt upon by Deuteronomy (and necessarily so in view of the supreme place which it assigns to the laws of justice, humanity and kindness between man and man), is the motive of sympathy or humanity. This, indeed, as Driver points out, is Deuteronomy's 'ruling motive', and it is usually combined there with another motive, that of gratitude, evoked by Israel's own troubled past. These sublime motives the Deuteronomist repeatedly adds to his numerous ethical exhortations, his characteristic sympathy-arousing expression being, 'because thou wast a stranger (or a bondman) in Egypt, therefore art thou commanded to do this thing' (10.19; 16.12; 24.18, 22). "Nowhere else in the Old Testament", writes Driver, "does there breathe such an atmosphere of generous devotion to God and of large-hearted benevolence toward men; nowhere else are duties and motives set forth with deeper feeling or with more moving eloquence; and nowhere else is it shown so fully how high and noble

principles may be made to elevate and refine the entire life of the community.”⁴³

Another great motive that is supremely dwelt on in Deuteronomy and of course earlier in the pre-exilic Prophets, and in all later Biblical and Rabbinic literature, is justice: “Justice, justice shalt thou pursue!” (Deut. 16.20, et passim). On this great fundamental principle of Judaism the present writer has dwelt at such great length in his recent volume⁴⁴ that further expatiation here is unnecessary.

We also find in Deuteronomy any number of exhortations to ‘fear Yhwh thy Lord’, which expressions have led many of our biased Christian theologians to gratuitously assume that fear was given by Deuteronomy and the Bible, nay, by Judaism as a whole, as the leading motive for righteous conduct. But, as was pointed out by a number of writers on the subject,⁴⁵ the actual connotation of this expression in Deuteronomy and in later Biblical literature, on the whole, is not ‘to be afraid of God’, but rather ‘to properly worship God’, i.e., to obey His commandments, ritual or moral or both. The acceptance of this definition for *yara* (‘to fear’) in the Bible, eliminates, to start with, the glaring contradiction in a verse such as the following, Ex. 20.17 (‘Fear not [*al tira’u*], for God has come to prove you, and that His fear [*yir’ato*] be upon you, that ye sin not’), uttered by Moses to Israel, standing terrified by the theophany at Sinai. As Bamberger remarks upon this verse: “Plainly, Moses either contradicted himself within a single sentence or else used the word *fear* with two widely different connotations.” Of course, it is possible, as Bamberger further remarks, that the second part of this verse was written by a different author, but “the fact still remains that the glossator did not feel the glaring contradiction that exists if the second ‘fear’ is to be taken literally.”⁴⁶ Again, the acceptance of this definition for *yara* would also explain the seeming incongruity in the parallel usage of fearing and

loving God in the very same verse, as, for instance, in Deut. 10.12: "And now, Israel, what doth the Lord thy God require of thee, but to fear (*le-yir'ah*) Yhwh thy God, to walk in all His ways and to love (*le-ahabah*) Him."⁴⁷ That the expression *yir'at adonai* ('fear of God') does not connote fear in its primary sense can again be seen, as Bamberger points out, in 2 Kgs. 17.28, where we are told (vv. 24-28) concerning the foreign settlers in the Northern Kingdom, that they begged the king of Assyria to send to them a priest of Yhwh from the exiled Israelites to teach them 'how they might fear (*yire'u*) Yhwh', in order that they may be saved from the wrath of Yhwh. Certainly here it is plain that 'fearing Yhwh' means nothing else but worshipping him in accordance with the proper Yhwh ritual.

Bamberger does concede that in a few passages, chiefly of pre-exilic origin, the primary sense of 'fear' as being afraid does survive, but even there this fear is generally due to some special circumstance, and is not a normal element in Yhwh worship.⁴⁸

In every other instance, Bamberger contends, "where the fear of Yhwh or the fear of God is mentioned . . . the reference is always to one aspect or another of the worship of Yhwh. In many cases the expression may be literally translated 'worship of Yhwh' or even 'religion'."⁴⁹ Thus the 'fear of Yhwh' in Isa. 29.13 ('and their fear of Me is a commandment of men learned by rote') means, as it likewise does in the above mentioned passage, 2 Kgs. 17.28, the observance of the Yhwh cult. In Jos. 24.14, to fear means to be a worshipper of Yhwh and to refrain from worshipping other gods. Again, 'those who fear Yhwh or Yhwh's name' (*yire'e Yhwh* or *yire'e shem Yhwh*), are none other than Yhwh's worshippers in Ps. 22.24, where the 'seed of Jacob and Israel' occurs in parallelism with *yire'e adonai*.⁵⁰ In Ps. 5.8 ('I prostrate myself before Thy sanctuary in the fear of Thee'), fear refers

to worship in the strictly devotional sense. Finally, to fear God, as in the hortatory sections of Deuteronomy, implies the fulfillment of God's commandments. So in Deut. 6.2 ('that thou mightest fear Yhwh thy God, to keep all His statutes and commandments'). Likewise in ib. 8.6 ('Thou shalt observe the commandments of Yhwh thy God, to walk in His ways and to fear Him')—in which passages, as our author emphasizes, "fear of Yhwh is not the *motive* for keeping the laws, but is *itself* the keeping of the laws."⁵¹ Similarly in Gen. 22.12, Abraham proves himself 'God-fearing' by his willingness to obey God's command to sacrifice his son. So Ps. 128.1 defines the one 'that feareth Yhwh' as the one 'that walketh in His ways'. And Ps. 19.10 uses the Torah of Yhwh, His testimonies, precepts and commandments, in parallelism with 'the fear of Yhwh'.

And "since the religion of Yhwh and His laws were from the prophetic period onwards so deeply impregnated with the spirit of morality, it follows that the fear of Yhwh includes ethical conduct."⁵² So in Jer. 5.24-28 the prophet speaks of the people as not fearing Yhwh because of their social crimes (cf. Mal. 3.5). In certain passages the fear of God is even exclusively identified with morality, the religious element being entirely left out. (Cf. Gen. 20.11; 42.18 and Ex. 18.21, in which last passage the 'fearers of God' are defined as 'men of merit . . . men of truth, hating gain'.)

Again, in the Holiness Code, the injunctions exhorting to various humanitarian acts significantly conclude with the expression, 'thou shalt fear thy God' (*we-yare'ta me'eloheka*).⁵³ In these passages fearing God is not held up as a motive for practising the moral law, but is rather intended to emphasize that doing good *is* the true worship of Yhwh. So in Deut. 25.18 we are told that Amalek 'feared not God', following the recital of Amalek's brutality. Similarly in Ps. 34.12ff., the 'fear of God' is defined exclusively in ethical terms.

In the Wisdom literature, as is well known, the 'fear of God' is defined as 'departure from evil' and is identified with wisdom: "The fear of the Lord, that is wisdom, and to depart from evil is understanding" (Job. 28.28). So in Prov. 1.7 ('The fear of Yhwh is the beginning of knowledge'; cf. also ib. 31.30; 10.27; 22.4). In these Wisdom passages, the religious element is entirely lacking, and the term 'fear of God' becomes equivalent to the present-day English expression 'God-fearing', i.e., decent or upright.

To summarize Bamberger's conclusions on the meaning of the frequently used 'fear of God' in the Old Testament: We have seen that "the connotation of actual fear is absent from most of the instances where the fear of God is mentioned. Often it is self-evident that this significance was not even present subconsciously. When the notion of terror is to be expressed, the Biblical authors frequently substitute some other and stronger word (e.g., *paḥad*) for the more familiar *yara*".⁵⁴ In fact, a "systematic examination of all the passages (in the OT) in which *fear* of God is mentioned reveals that as a rule the authors referred neither to the crude emotion of terror nor to the more refined sentiments of awe and reverence", in short, not to subjective religious elements at all, but rather to the "objective sides of religion, as manifested either in moral conduct or in ritual."⁵⁵ From these findings it follows that (1) "the opinion that primitive fear plays an overshadowing role in Old Testament theology must be considerably revised. While our study reveals that this emotion was not altogether absent, it was present to a much more limited extent than has often been supposed."⁵⁶ (2) Furthermore, that 'fear of God' was not the motive for religious or righteous conduct in the Old Testament, but rather signified religious or righteous conduct itself, not the means but the end. The allegation, therefore, that fear is the motive for

religious or moral duty in the Old Testament is not only baseless but meaningless.

Our author applies a similar line of reasoning to the less frequent expression in the Old Testament 'to love God'. He identifies this expression with that of 'fearing God', the former no less than the latter meaning, to worship God faithfully and to obey His laws. In brief, 'to love God' no less than 'to fear God' refers rather to the objective obedience to God's laws than to the subjective emotion of love as we understand it today. That fearing and loving God mean the same thing, namely, the proper worship of God, our author finds proven in the verse quoted above (Deut. 10.12), where the people are admonished in the same sentence to fear and love Yhwh. That loving God means just the worship of God is also evident from such a passage as Deut. 11.1 ('And thou shalt love Yhwh thy God and keep His charge and His statutes and His judgments and His commandments all the days'; cf. *ibid.* 30.16). Which explains also the combination in the Decalogue, (Ex. 20.6) 'Those who love Yhwh and keep His commandments'.

In his argument, however, that *love of Yhwh* does not imply a spontaneous emotional state, Bamberger, to our mind, is not convincing. He attempts to prove his point by the fact that we are *exhorted* to love God (Ps. 31.24), and even *warned* to do so: "Take good heed unto yourself, that ye love the Lord your God" (Jos. 23.11). In the very next sentence, however, he admits that "something of the subjective side *is* taken into account apparently in Deut. 30.6 ('The Lord thy God shall circumcise thy heart, and the heart of thy seed, to love the Lord thy God with all thy heart and with all thy soul', etc.)".⁵⁷ To this instance he adds Ps. 18.2 ('I love Thee, O Lord, my strength'), where the verb *raḥam* is used instead of *ahab*.

Bamberger's dispossession of the subjective emotional ele-

ment in the love of God, which is dwelt upon so convincingly in Deuteronomy and in later Biblical literature, as well as in the eighth and seventh century prophetic writings, especially in Hosea, seems to us arbitrary and contrary to the evidence that is writ so large in those Biblical sources. It is commonly admitted that the spirit and content of Deuteronomy conform mostly to Hosea's teachings.⁵⁸ And how abundantly and persuasively Hosea, out of the personal experiences of his married life, dwells upon the emotional phase of love is well known. Take, for instance, Hosea 11.1, where the prophet speaks delightfully and even ecstatically of how Yhwh loved Israel from the time of Israel's youth: "When Israel was a child, then I loved him (*wa-ohabehu*), and out of Egypt I called My son." Note again, *ibid.* 14.5 (A. V. 4): "I will heal their backsliding, I will love them freely; for Mine anger is turned away from him."

And, impregnated with Hosea's spirit of the love of God to His people, Deuteronomy very naturally, as is commonly admitted, builds its entire system upon love.⁵⁹ Note in Deuteronomy itself: (10.15-19) "Only Yhwh had a delight in thy fathers, to love (*le-ahabah*) them, and He chose their seed after them, even you above all peoples . . . He doth execute justice for the fatherless and widow, and loveth the stranger, in giving him food and raiment. Love ye therefore the stranger, etc." Note also Deut. 30.6 ('And Yhwh thy God will circumcise thy heart and the heart of thy seed, to love Yhwh thy God with all thy heart and with all thy soul'). So Deut. 7.7-8 ('Yhwh did not set His love upon you, nor choose you, because ye were more in number than any people—for ye were the fewest of all peoples—but because the Lord loved you, etc.').

The inward 'emotional' element of love in all these Deuteronomic passages, no less than in those of Hosea, is, indeed, lacking not at all!

And we find that the same is true in Jeremiah, the great contemporary of Deuteronomy. Note, for instance, Jer. 31.2, where God says to Israel, "Yea, I have loved thee with an everlasting love (*we-ahabat 'olam ahabtika*), therefore with affection (*hesed*) have I drawn thee." Similarly in the post-Deuteronomic passage, Isa. 63.9 ('In His love and in His pity [*be-ahabato ube-hemlato*] He redeemed them; and He bore them, and carried them all the days of old'). So in the late passage Mal. 1.2 ('I have loved you, saith Yhwh, yet ye say: 'Wherein hast Thou loved us?'). Similarly, in the Psalms. Note the unmistakable spontaneous emotional content in the Psalmist's love of his God in Ps. 18.2 ('I love thee [*erhemka*], O Lord, my strength'). Again, the same of God's love of man in Ps. 146.8 ('The Lord openeth the eyes of the blind; the Lord raiseth up them that are bowed down; the Lord loveth the righteous'). And in Proverbs: "For whom the Lord loveth He correcteth, even as a father the son in whom he delighteth" (3.12); "The way of the wicked is an abomination to the Lord; but He loveth him that followeth after righteousness" (15.9). Note, finally, Isa. 61.8, where love is used opposite hate: "For I the Lord love justice, I hate robbery with iniquity". And, pray, is not the love of God in the primary sense evident enough in the *Shema*?—"And thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy might" (Deut. 6.5), though here it may also simultaneously connote the whole-souled *worship* of God.

That this love of God on the part of Israel, which is a corollary of God's love of Israel, implies Israel's loyalty to God's will, i.e., Israel's duty to practise God's commandments, goes without saying. But that this excludes the idea of God's love of Israel or Israel's love of God in the primary meaning of the term, as Bamberger contends, is, to our mind, an arbitrary and gratuitous emptying of this pregnant term of all its

rich content, and is certainly unwarranted both as to the plain meaning and implications of the many Biblical texts. Equally arbitrary is Bamberger's contention that all these numerous references to the love of God to Israel or man, and the love of man to God and to man, do not imply a motive for righteous conduct or duty. We do indeed—Bamberger's thesis to the contrary notwithstanding—find Driver's statement on the subject faithfully reflecting Deuteronomy's teachings concerning it: "*The love of God*, an all-absorbing sense of personal devotion to Him, *is propounded in Deuteronomy as the primary spring of human duty* (6.5—italics ours); it is the duty which is the direct corollary of the character of God and of Israel's relation to Him; the Israelite is to love Him with undivided affection ('with all thine heart, and with all thy soul', 6.5; 13.3; 30.6, and elsewhere—an expression characteristic of Deuteronomy), renouncing everything that is in any degree inconsistent with loyalty to Him."⁶⁰ It seems to us, therefore, that Bamberger in his anxiety to show (something he has indeed succeeded in doing) that the numerous expressions in Deuteronomy and elsewhere in the OT dealing with the fear of God imply neither the idea of being afraid of God nor the idea of fear as a motive, has unjustifiably carried over his reasoning on this matter to the idea of love of God, thereby unnecessarily emptying the latter concept of the rich content of primary love and its implied motive for righteous conduct or duty which properly belongs to it.

The fact of the matter is that the exalted ideas of God, developed so early in the history of Israel by the Great Prophets beginning with Amos, put the ancient superstitious element of fear of God more and more into the background in the minds of at least the more enlightened sections of Israel—Israel's prophetic writers, lawgivers, psalmists and Wisdom authors. With the advent of the Prophets, the oppo-

site element of a more enlightened faith, namely, love, was increasingly substituted by the Biblical writers for the ancient element of fear. And we say advisedly 'with the advent of the Prophets', for the OT texts, above cited, unmistakably show that the religion of Israel did not have to wait until the advent of the *Mishnah* (wherein Bamberger dogmatically chooses to find for the first time the love of God as a motive for duty) for the distinctively Prophetic idea of love of God as one of the great motives for righteous conduct.

We must therefore include the love of God and its corollary, the love of man, among the Jewish motives for duty that are already found in the Hebrew Bible. As for the Rabbis in the *Mishnah* and the *Talmud*, and the authorities in the medieval Jewish sources who dwelt so much on this great motive,—they but took up this exalted Biblical idea and impregnated it, even as they did with all the other ethical ideas of the Bible, with the wider and deeper ethical meaning and applicability which they culled from their own profound religio-ethical experience. With the Rabbis in the *Mishnah* and the *Talmud*, as well as with the Jewish medieval philosophers, the motive of love became but another expression for what we call today duty for duty's sake. This further development of the love motive, will be treated below, in our discussion of '*le-shemah*' or the duty-for-duty's-sake motive.⁶¹

The oft repeated threats of divine punishment for failure to obey God's law and promises of physical and material reward for faithfulness to religious and moral duty, found in Deuteronomy and elsewhere in the Old Testament, have led a number of biased Christian writers to make the gratuitous assumption that fear of punishment and expectations of reward are held up by Deuteronomy and the OT in general, nay, even by Judaism as a whole, as motives and even as *the* motive for righteous conduct. A refutation of this unfounded assumption has been well given by E. G. Hirsch: "It has

often been urged that the motive of ethical action in the Pentateuch is the desire for material prosperity and the anxiety to escape disaster. This view confounds description of fact with suggestion of motive. The Pentateuchal lawgiver addresses himself always to the nation, not to the individual. In his system Israel is under divine discipline, intended to make it in ever greater measure worthy and fit to be a holy nation exponential of the holy God. The physical and political disasters which, from the point of view of modern critics, were actual experiences in the time of the Deuteronomist, were consequences of Israel's disloyalty. Only repentance of its evil ways and adoption of ways concordant with its inner historic duty would put an end to the divinely appointed and necessary punitive discipline. The motive of Israel's ethical self-realization as the 'holy people', nevertheless, is not desire for prosperity or fear of disaster. It is (as the present writer has insisted above) to be true to its appointment as the priest-people. *From this historical relation of Israel to God flows, without ulterior rewards or penalties, the limpid stream of Pentateuchal morality*"⁶² (italics ours).

Another apt comment on this subject of reward and punishment in Jewish religious literature, one which usefully supplements the one just given, is made by Moore: "Reward and punishment are the motives to which the mass of mankind is most amenable, and *the Jewish teachers though well aware that they are not the highest* (underscore ours), do not scruple on that account to appeal to them. (They are as freely employed by Jesus in the Gospels [Note 1, *ibid.*].) It was better to lead a man to obey the law of God from an inferior motive than that he should not obey it, and, as frequently observed, if he is diligent in keeping the law from a lower motive he may come to do it from a higher."⁶³

The emphasis by Deuteronomy and the Jewish religious teachers in general on reward and punishment is, in other

words, *pedagogic*, and was of course not intended by them to elevate reward and punishment as motives, certainly not as *the* motives for righteous conduct. This should be evident from the very fact that along with their emphasis on reward and punishment, the Deuteronomists, as we have just seen, stress the highest ideals and motives of Israel's spiritual mission, of *Imitatio Dei*, of humanity, of justice and love.

It is this pedagogic purpose, by the way, and not the often alleged reason of 'legalism', that very likely accounts for the framing by the Deuteronomic lawgivers, and, following their example, by later Jewish teachers, of the moral exhortations of the Deuteronomic Code in legal, statutory form. It was no doubt the Deuteronomists' idea that by giving to their moral teachings a legal, statutory form, they would lend to them the binding force of law. As such—as law—there is greater likelihood of their being taken seriously by the people. As such, indeed, they contain the threat of God's displeasure and the due consequences thereof for the people's transgression of them, as well as the promise of God's favor for the people's obedience to them.

One may properly call this pedagogic purpose of the Deuteronomist a 'practical motive'—provided one does not at the same time overlook the fact that this was not the highest motive which the Deuteronomist held up for the good man. "It (the motive of reward for piety and punishment for disobedience)", writes J. M. Powis Smith (who, however, we regret to state, fails, on the whole, to see this 'practical motive' in Deuteronomy and in the OT literature in general in its right proportion), "was the only practical motive operative with the great mass of the people in pre-exilic Israel, even if, indeed, it is not so with the majority of the human race today . . . It is worthy of note that to a very large extent the laws and precepts of the Deuteronomic Code are without definite and specific penalties, but are dependent upon the support

of public sentiment and upon the hopes and fears of the people for their enforcement. That is why there is so much of the hortatory and persuasive element in the Deuteronomic Code. The legislators are appealing to the desires and fears of the people themselves to secure conformity to the law and not to any great extent to any official authority with power to enforce its will as expressed in the letter of the law. This subjective element in Deuteronomy, as also in the prophetic sermons, was one of the great educational influences of pre-exilic Israel tending to develop an enlightened and keenly sensitive conscience, at least in the more spiritually minded members of the Hebrew community."⁶⁴

That the Deuteronomists and the Jewish teachers before and after them, firmly believed that good deeds necessarily entail the proper reward and evil deeds their just punishment, goes without saying. In fact, this conviction was an inevitable corollary of their fundamental belief in the justice of God. If it were otherwise, their entire belief in the justice of God would be to them untenable. The idea of retribution, it is true, often led to extreme interpretations which were quite absurd, as witness the popular interpretation of it in the Bible given by the friends of Job, and also the habit of some of the Rabbis to attach particular penalties to particular offenses and particular rewards for obedience to particular commandments.⁶⁵ But the idea is basically sound, from both the religious and ethical viewpoints. For the doctrine at bottom recognizes, as Moore properly remarks, "what we should call today the natural and social consequences of evil courses". And Deuteronomy's repeated dwelling upon those consequences is not a reflection upon the ethical quality of its motives for righteous conduct, but rather proves that the Deuteronomist has reached the advanced ethical stage of *reasoning* about moral conduct, which brought him to the very enlightened conclusion that, at bottom, moral conduct, as the

expression of loyalty to God, is, as we would say today, *rational* conduct. As for the nation, therefore, whom the Deuteronomist chiefly addressed, righteous conduct—so he concluded and so he exhorted—will inevitably lead to national prosperity and spiritual greatness; and injustice, oppression and evil must make for national destruction. And who, today, will deny the social soundness, for instance, of the following profound prophetic dictum of Isaiah, as applied to national life, which perfectly embodies the principle just stated: “And the work of righteousness shall be peace, and the result of justice, everlasting peace and confidence” (Isa. 32.16)? In their belief that such reward and punishment come as direct acts of God who directly summons the destructive or beneficent forces of nature to enforce His will, the Deuteronomists, Prophets and Rabbis, from our present point of view, of course reveal themselves as children of their age. The point, however, to be stressed is that this dwelling upon reward and punishment on the part of the Deuteronomist and on the part of earlier and later Jewish teachers, is not tantamount to their labeling them as motives, especially as the only motives, for righteous conduct. To convince people that morality is sound—that it has its beneficent results—is not to degrade it. In fact, such a conviction is a necessary prerequisite to an effective moral life, a prerequisite, indeed, to the effective performance of duty for duty’s sake.

This ethical reasoning, as touching the individual, we find prominently dwelt upon in the Wisdom literature. The primary aim of the sages of the Wisdom literature was to show that virtue means practical wisdom and that vice is disastrous folly. They therefore took pains to point out to the individual the evil consequences of vice. That the Biblical sages did not hold up the practical realization of this truth as the motive for righteous conduct is evident enough. Certainly is this true of those sages who are responsible for such lofty ethical

teachings as the following: truthfulness and a good reputation are better than riches (Prov. 22.1); sound knowledge is the best of jewels (20.15); friendship must be true and sacrificial (17.17; cf. Eccclus. 14.13); the lender must keep on lending to a borrower even if the latter is ungrateful to him (Eccclus. 29. 1-13); the good man must not repay the one who wrongs him, but must forgive him (Prov. 24.29; Eccclus. 27. 39-28. 7); "If thine enemy be hungry, give him bread to eat and if he be thirsty, give him water to drink" (Prov. 25.20), which, in the words of J. M. Powis Smith, anticipates on this subject the Sermon on the Mount. Although the motive here, as Smith remarks, is mixed—containing the idea (v.23) that doing so might lead Yhwh to turn away His wrath from the wicked—"nevertheless behind this sentiment there is a feeling that it is unseemly to delight in the affliction of others."⁶⁶

And similarly the Rabbis, no less than their predecessors, the prophets and sages, were emphatic in their insistence that virtue and evil have their due and inevitable deserts—physical, material and spiritual—even as they were at the same time, let it be borne in mind, just as emphatic that religious and ethical duty must be performed from the highest motives (see immediately below, our discussion of the *leshemah* motive). Indeed, this dual emphasis on both the idea of reward and punishment and the performance of duty from the highest motives, and without any consciousness of any contradiction existing between them, runs through the entire Jewish religious literature from the Prophets onward, through the Jewish philosophic and devotional literature of the Middle Ages. This will become abundantly apparent in the discussion of our next great motive, where we will note that Jewish teachers of the various periods indefatigably warn man against serving God with the intention of receiving reward, and in the same breath, so to speak, sternly admonish that one must believe that God does reward goodness and

does punish wickedness—a belief which, as was said above, is inseparable from the belief in a just Providence.

Which brings us, finally, to that other characteristically Jewish motive—also a derivative of the chief Jewish motive already examined—namely, the motive of *le-shemah* or, as we term it in our present-day phraseology, of the doing of *duty for duty's sake*, i.e., in sincerity, in purity of purpose. Of this doctrine we find a suggestion already in the Holiness Code, in its repeated addition to the various commands of humanity and kindness of the phrase, 'I am the Lord.' It is to be noted that in the decreeing of these *Mizwot* or moral commands, no specific punishment or reward is prescribed—just the statement, 'I am Yhwh' or 'I am Yhwh thy God'.⁶⁷ We have also referred above to the other expression of H., with which he concludes the ethical commands, 'and thou shalt fear thy God', which we found to mean: 'and thou shalt (thus) worship thy God'. In other words, the ethical commands are to be performed primarily because these are the will of your personal God: this is the way that He, the God of Righteousness, is to be properly worshipped. The character of the worshipper must be like unto the character of Him who is worshipped. Note in particular Lev. 25.17, where both the expressions occur together, one immediately following the other: "And ye shall not wrong one another; but thou shalt fear (i.e., thereby properly worship) thy God; for I am Yhwh your God."

Now in Biblical literature the term used by prophet, law-giver and sage to emphasize the true motive in the performance of religious and ethical duty is 'the heart'. In this connection Dewey and Tufts in their chapter on "The Hebrew Moral Development" write: "This term stood for the voluntary disposition, especially in its inner springs of emotions and sentiments, affections and passions. The Greek was inclined to look askance at this side of life, to regard the

emotions as perturbations of the soul, and to seek their control by reason, or even their repression or elimination. The Hebrew found a more positive value in the emotional side of conduct, and at the same time worked out the conception of a sincere and thorough-going interest as lying at the very root of all right life."⁶⁸ Our authors cite in this connection the well-known Biblical dictum: "Man looketh on the outward appearance, but Yhwh looketh on the heart" (1 Sam. 16.7); also, "If I regard iniquity in my heart, Yhwh will not hear me" (Ps. 66.18). Our authors continue: "A divine vision, which penetrates to the deepest springs of purpose and feeling, will not tolerate pretense. Nor will it be satisfied with anything less than entire devotion: the Israelite must serve Yhwh with all his heart. Outer conformity is not enough: 'Rend your heart and not your garment' " (Joel 2.13).

Our authors further continue: "Purity of motive in a full moral consciousness means not only (formal) sincerity, but sincere love of good and right. This was not stated by the Hebrew in abstract terms, but in the personal language of love to God. In early days there had been more or less of external motives in the appeals of the law and the prophets. Fear of punishment, hope of reward, blessings in basket and store, curses in land and field, were used to induce fidelity. But some of the prophets sought a deeper view, which seems to have been reached in the bitterness of human experience. Hosea's wife had forsaken him, and should not the love of people to Yhwh be as personal and concise as that of wife to husband? She had said, 'I will go after my lovers *that give me my bread and my water, my wood and my flax, my oil and my drink*' (Hosea 2.5). Is not serving God for hire a form of prostitution? The calamities of the nation tested the disinterestedness of its fidelity. They were the challenge of the Adversary, 'Doth Job fear God for naught?', and a

remnant at least attested that fidelity did not depend on reward."⁶⁹

The idea of the proper motive in connection with 'the heart' we find again very emphatically enunciated in Jeremiah's celebrated 'new covenant' written in the heart (Jer. 31.31-34), where we have expressed, as J. M. Powis Smith remarks, "the profoundly moral principle that true goodness must find its inspiration and *motif* coming from within and not from without the heart of man."⁷⁰ This we find again emphasized by the prophet Ezekiel in his doctrine of the new birth, by the aid of Yhwh, of the 'heart of flesh' (*leb basar*), which is to replace the heart of stone (*leb ha-eben*) (Ezek. 11.19-20; 18.31; 36.25-27). The Biblical student will also recall that the moral maxim that virtue is its own reward is put in personal terms by the post-exilic prophet who was responsible for the psalm that was later added as Chapter III in Habakkuk.⁷¹ The prophet here resolves to continue in the path of piety even though the usual returns for such a life are not forthcoming: "For though the fig tree shall not blossom, neither shall fruit be in the vine; the labor of the olive shall fail, and the fields shall yield no food; the flock shall be cut off from the fold, and there shall be no herd in the stalls: Yet will I rejoice in the Lord, I will joy in the God of my salvation" (Hab. 3.17-18).

This higher motive we find again emphasized in the Psalms, especially Psalm 73, where the highest ideal that is upheld is man's personal union with God; where, in the words of Dewey and Tufts, "He, and not His gifts, was the supreme good."—"Whom have I in heaven but Thee? And beside Thee I desire none upon earth?" (v. 25). Our authors here call attention to the fact that *the consciousness of a divine mission* lent a dignity to the national life and consequently tended to deepen the motive for righteous conduct—the point which we made above when we stressed the fact that this idea of

the divine mission was from the earliest prophetic times the chief motive towards righteous conduct on the part of Israel, setting the pace for and giving inspiration to all the other great motives that were dwelt upon by the teachers of the OT and of later Jewish religious literature.

And when we recall the Prophets' famous denunciation of ritual religion that is divorced from righteousness, and their stern insistence on the doing of justice and the loving of mercy and walking humbly with God (Mic. 6.8) as the proper way of worshipping God, we have but another and striking example of the Biblical insistence on the purity of motive in the religious life.

Now, as is well known, the great Book of Job⁷² is the classical OT statement of the doctrine of duty for duty's sake. In the Book of Job we find Job pictured as the ideal righteous man (Job 1, 1, and cf. chap. 31). Our Adversary, the Satan, however, argues that Job's piety is much overrated inasmuch as Job's piety is not disinterested. Job, the Satan shrewdly argues, does not serve God for naught (ibid 1. 9-11); Job has been good because it paid. If his prosperity were taken away from him he would abandon his piety. Job, however, stood the test of the loss of his prosperity and of his children, and emerged with his piety unabated (ib. vv. 13-22). Job's piety in fact emerges untarnished even after his health of body is robbed from him (ibid. 2.1-10).—"Then said his wife unto him; 'Dost thou still hold fast to thine integrity? Blaspheme God, and die!' But he said unto her: 'Thou speakest as one of the impious women speaketh. What, shall we receive good at the hand of God, and shall we not receive evil?' For all this did not Job sin with his lips" (ib. vv. 9-11). In brief, the message of the Book of Job is that a truly pious man does not practise piety and goodness out of the motive of reward or the fear of punishment; that there is such a thing as disinterested piety, that man can and

should practise duty and virtue because it is the right, the proper, the supremely human thing to do—because his inner sense of duty—the ‘Categorical Imperative’—commands him to do so.

And commenting upon this spiritual message of Habakkuk and of Job, Smith makes the following significant point: “The spiritual character of the ethical motive is particularly noteworthy when we bear in mind the fact that there was no generally accepted belief in a worth-while life beyond the grave. It is measurably easy to struggle and endure in behalf of the true and the right, if such hard experiences are softened by a lively expectation of a glory in the hereafter that shall help us to view the suffering of the present, which are but for a moment and not grievous, as not worthy to be compared with the glory that shall be hereafter. But a goodness which persists through good report and ill report, without any external support derived from a future hope, is a type of virtue not to be lightly thought of, but to be classed among the great achievements of the race.”⁷³

When we reach Talmudic literature we find this same lofty motive of duty for duty’s sake taught by the Rabbis in their well-known doctrine of ‘*le-shemah*’ or ‘*le-shem Shamaim*’, i.e., ‘for its own sake’ or ‘for the sake of Heaven or God’.⁷⁴

The dictum on this subject of Antigonus of Soko, the next in the succession of teachers after Simeon the Righteous, is well known: “Be not like servants who serve their master in the expectation of receiving a gratuity, but be like servants who serve their master in no expectation of receiving a gratuity; and let the fear of Heaven (i.e., reverence for God) be upon you.”⁷⁵ Citing this *Mishnah* as authority, R. Eliezer comments as follows on Ps. 112.1 (‘Blessed is the man who fears the Lord, and in his commandments delights greatly’): “In His *commandments*, but not in the reward of His commandments”⁷⁶ (*be-mizwotaw we-lo bi-sekar mizwotaw*).

Moore's comment on the above dictum of Antigonus is very significant: "It is worthy of note that this disparagement of an obedience into the motive of which the thought of recompense even as a gratuity enters comes from the man who stands at the head of what may not improperly be called the Pharisaic tradition, the connecting link between the Men of the Great Assembly and the Pairs. There is a certain irony in the fact that the first recorded word of a Pharisee should be in repudiation of the supposed 'Pharisaic' wage-theory of righteousness".⁷⁷

We may quote here the equally well-known maxim of R. Zadok and of Hillel in *Abot*: "Rabbi Zadok teaches: Do not make it (the Law) a crown to magnify thyself by, nor a hoe to dig with; so was Hillel wont to say: 'He who uses the crown for his own ends, passes away. Lo, thou hast learned, Every one who makes a profit of the words of the Law does his life away from the world'".⁷⁸

In brief, the Jew is exhorted to occupy himself with the Law for its own sake (*le-shemah*, i.e., because it *is* the Law), and not for any advantage to be gained by it among men or with God. If he does so, so teaches R. Bena'ah, "his study of the Law will be for him a life-giving elixir (Prov. 3.8). To him, however, who occupies himself with the Law not for its own sake (*she-lo le-shemah*), it becomes for him a deadly poison."⁷⁹ Commenting on Psalm 111.10 ('The first principle of wisdom is the fear of the Lord (Religion); all those who *do* them [God's commandments, v.7] have good understanding'), Raba states: "It is not said 'who learn them', but 'who do them'; and who do them for their own sake (*le-shemah*), not those who do them not for their own sake (*she-lo le-shemah*). Whoever does a commandment not for its own sake (i.e., from other than a religious motive), it were better for him that he had never been created!"⁸⁰

So we have R. Eleazar the son of Zadok insisting: "Do

the words of the Law for the doing's sake, and discuss them for their own sake (*le-shemam*).” In fact, he, together with a great number of the Rabbis, regards one's use of the Law for one's own ends (i.e., one's turning of the Law to worldly advantage) as a very grave sin, entailing (as in the case of Belshazzar who only made use of the sacred vessels of the Temple for secular purposes) the forfeiting of one's life in this world and the next.⁸¹

Of course, not every one is at once sufficiently disciplined morally to do his duty for duty's sake, and so we have Rab calling attention to the fine pedagogic principle: “Let a man always occupy himself diligently with the study of the Law and the doing of the commandments, even if not for their own sake; for out of doing it not for its own sake comes doing it for its own sake.”⁸² One recalls here also the thoughtful prayer of R. Safra: “May it be Thy good pleasure that all who labor in the Law for other motives, may come to labor in it for its own sake.”⁸³

We already referred to another expression of the Rabbis signifying the motive of duty for duty's sake, namely, ‘*le-shem Shamaim*’: ‘for the sake of Heaven (God)’. Thus we are exhorted by R. Gamaliel, the son of R. Judah ha-Nasi: “Those who labor for the community should do so *le-shem Shamaim*—for God's sake” (i.e., from an unmixed religious motive).⁸⁴ We are further admonished by R. Jose: “Let thy neighbor's property be as dear to thee as thine own; and address thyself to acquire knowledge of the Law, for it does not come to thee by inheritance; and let all thy deeds be done for God's sake.”⁸⁵ Thus we are also told by Johanan ha-Sandlar: “Every assembling of yourselves together which is for God's sake, will in the end stand; and one that is not for God's sake will not stand in the end.”⁸⁶ This is the reason why the controversies of the schools of Hillel and Shammai were estimable, for they were conducted *le-shem*

Shamaim (for the purpose of a true understanding of the Law), in contrast to those of Korah and his company with Moses, which were not in the name of God but only for the gratification of personal ambition.⁸⁷ In the verse immediately preceding this passage in *Abot*, true love as a motive is defined: "Whenever love depends upon something (a material cause),⁸⁸ with the passing away of that cause the love, too, passes away; but if it be not dependent upon such a cause it will not pass away forever. Which love was that which depended upon a material cause? Such was the love of Amnon and Tamar. And that which depended upon no such cause? Such was the love of David and Jonathan."⁸⁹

Duty for duty's sake, as it relates specifically to the ethical relations between man and his fellow, is unequivocally expounded by the Rabbis in *Abot* (V, 10), in the well-known description of the Four *Middot* (Characteristics or Qualities in Man).⁹⁰ The first of the '*Middot*' describes the man who says, What is mine is mine, what is thine is thine, i.e., the man who neither gives nor takes, is neither self-sacrificing nor yet grasping, nor dependent upon his neighbors. His *middah* or characteristic is considered to be intermediate (*middah benonit*)—neither good nor bad. In fact, others regard his characteristic as *Middat Sodom*, bespeaking a spirit of haughty independence and indifference to the welfare of others: "Behold, this was the iniquity of thy sister Sodom, pride, fullness of bread and abundance of idleness was in her and in her daughters, neither did she strengthen the hand of the poor and needy" (Ezek. 16.49). The second kind of person is he who says, What is mine is thine and what is thine is mine, i.e., one who is worldly and utilitarian. The man acts with a view to recompense: he lends to those from whom he hopes to receive. He is called '*am ha'arez*' (the common man). The *middah* or guiding principle of the *hasid*—the pious man—the saint—the Rabbinical ideal man, is, What

is mine is thine and what is thine is thine (*she-li she-leka weshe-leka she-lak*)—he gives and does not receive—he gives “hoping for nothing again.” And of course the standard of the *rasha*, the wicked man, is, What is thine and what is mine are mine—he is the selfish, grasping man, who receives and makes no return.

The Rabbinical ideal man—the *hasid*—who has become the traditional Jewish ideal of the virtuous man, about whom we will have more to say anon, is, in brief, one who performs his duty to his fellow man for duty's sake, without any thought of reward, out of the motive of love and sympathy for his fellow men.

Duty for duty's sake is again emphasized by the Rabbis in their distinction between serving God out of love and out of fear, the worship out of the motive of love being of course considered by them as the superior and ideal kind of worship.

In the following passage on this subject, which is a comment on Deut. 6.5 ('And thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy might'), we actually have a literal proof of the Rabbis' insistence on worshipping God from the right motive, i.e., out of love, simultaneously with their belief in reward, and this, as we noted above, without any semblance of consciousness of any contradiction between the two: "Scripture makes a distinction between the man who acts from love and him who acts from fear, *and the reward of the former is far greater than that of the latter*, according to his word, 'The Lord thy God thou shalt fear and Him thou shalt serve' (Deut. 10.20). It sometimes happens that a man is afraid of his fellow, and when the latter is troublesome to him, leaves him and makes off. But *do thou act from love*, for where love is there is no fear, and where fear is there is no love, *except in relation to God only*".⁹¹ One may note here also that

fear, awe, or reverence of God, according to the Rabbis, do not at all make love of God impossible.

We may recall in this connection the well-known and illuminating discussion of the Rabbis as to whether Job served God from love or from fear. R. Joshua ben Hyrcanus insists that Job served God purely out of love, citing, first, as proof, Job 13.15: "Though He slay me, yet will I trust in Him" (*lo [kere] a-yaḥel*). That Job did not make his trust in God conditional, as the ambiguous meaning of the text-reading (*ketib*) of *lo' a-yaḥel* ('I have nothing to hope for') in this verse might imply, is further proven by R. Joshua ben Hyrcanus from Job 27.5 ('till I die will I not put away mine integrity from me'). R. Joshua ben Ḥananiah, on the other hand, judging by his indignant exclamation to this interpretation, holds with Joḥanan ben Zakkai that Job served God only from fear: "Who will clear away the dust from thine eyes, Rabban Joḥanan ben Zakkai, who did'st teach all thy days that Job served God only out of fear (basing it on Job 1.1, where it is stated that Job was a 'god-fearing man'), and here is Joshua ben Hyrcanus, the pupil of thy pupil, teaching that he acted out of love!"⁹²

R. Meir, however, shows that the expression used in describing Job, namely, 'God-fearing': *wirè elohim* (1.1), does not exclude the idea of love. (Compare our above discussion of the meaning of the expression 'fear of God' in the Bible.) As 'God-fearing' is said of Abraham (Gen. 22.12), and as the fear of God in Abraham sprang from love (Isa. 41.8: 'The seed of Abraham, My friend [*ohabi*']), so did Job's God-fearing spring from love.⁹³ So also R. Nathan agrees that Job's piety was inspired by love, quoting 13.16 ('This also shall be my salvation, that a hypocrite cannot come before Him').⁹⁴

Our much-misunderstood Job, however, fares badly again in the oft-quoted lists given in both Talmuds which enumerate

and describe the seven, all-but-one, undesirable varieties of Pharisees. In the passages in question duty out of love is again declared to be the higher and more desirable kind of duty. The sixth in this list of apparently undesirable Pharisees is 'the Pharisee of fear, like Job'. The seventh and apparently the only desirable kind of Pharisee is 'the Pharisee of love': "Of them all, the only one who is dear (to God) is the Pharisee of love, like Abraham."⁹⁵

In *Sotah* (31a) the Rabbis continue the distinction between serving God from love and from fear, specifying of course the former as the more desirable, and at the same time, let us note again, make the observation, and again without being aware of any contradiction between the two ideas, that serving God out of love or *le-shemah* is deserving of the greater merit: "What is the difference between one who serves God out of love and one who serves Him out of fear (of punishment)? The difference is explained in the following *Baraita*: R. Simeon b. Eleazar says: 'Greater is he who serves God out of love than he who serves Him from fear (*Gadol ha-oseh me-ahabah yoter min ha-oseh me-yir'ah*), for the rewards of the latter will endure for one thousand generations, while the reward of the former will endure for two thousand generations: It is written, (Ex. 20.6) 'And showing mercy unto the thousands (of generations: *la-alafim*, in the plural) of them that love Me' (*le-ohabai*); and it is written, (Deut. 7.9) 'that keep His commandments (out of fear) to the thousandth generation' (*le-elef dor*, in the singular). But why is love also mentioned in the last verse ('Who keepest the covenant and kindness of those who love Him [*le-ohabaw*] and keep His commandments, etc')? The answer is that in the former passage (Ex. 20.6), the word 'love' (*le-ohabai*) stands nearest to 'generations' (in the plural, viz., *la-alafim le-ohabai*), while in the latter passage the expression *le-elef dor* ('generation', in the singular) stands nearest not to love

but to *shomerè mizwotai*: 'those who keep His commandments' (out of fear), viz., *le-ohabaw u-le-shomerè mizwotaw le-elef dor*." A much complicated homily, indeed, but the point is made nevertheless.

The same passage continues very interestingly on this subject: "There were two disciples who were standing before Raba. One said, It was recited to me in my dream, (Ps. 31.20) 'O how great is thy goodness which Thou hast treasured up for those that fear Thee'. And the other said, It was recited to me in my dream, (ib. 5.12) 'And all those that put their trust in Thee will rejoice . . . and they that love Thy Name will exult in Thee'. Raba then said to them: Both of you are perfectly righteous; however, one of you serves God from love and the other out of fear." While we have here an encouraging word also said in behalf of those who conscientiously serve God out of fear, it is at the same time implied that it is more commendable to serve God out of love.

In *Yoma* (86a) we have, on the subject of repentance, an additional fine distinction between repentance from love, and from fear and affliction, the last being the least desirable. There we read: "R. Ḥama b. Ḥanina said: 'Repentance is great, for it brings healing, as it is said, (Hos. 14.5) 'I will heal their backsliding, I will love them freely'. R. Ḥama b. Ḥanina pointed to the following contradiction: It is written, (Jer. 3.14) 'Return, O backsliding children', which seems to refer even to those who had formerly been backsliders; and it is written, (ibid.) 'I will heal their backsliding', which seems to imply only those who sin for the first time. These statements, however, may be reconciled as follows: The former case deals with the one who repents out of love of God, but the latter out of fear. R. Judah pointed to the following contradiction. It is written, (Jer. 3.14) 'Return, O backsliding children', and (ibid.), 'For I am become your master and will

take you (as slaves), etc.'. But here, too, the two statements may be reconciled: the former case applies to repentance through love or through fear, in which case the penitents are considered children, but the latter applies only to those who repent as a result of suffering, in which case they are considered as slaves".

Love of God as the highest motive is again emphasized in the following comment on Deut. 11.13: "'To love the Lord your God': Should you say, I will learn Torah that I may become rich, or that I may be called Rabbi, or that I may acquire a reward in the World to Come, Scripture therefore says, 'to love the Lord your God'—whatever you do, do not do it except from love."⁹⁶ The same thought we find expounded in a *Baraita*, found in *Nedarim* (62a). In interpreting Deut. 30.6 ('to love the Lord thy God, etc.'), the Rabbis there state that this verse implies "that a man say not, I will study the Scriptures that men may call me a sage, I will study tradition that I may become an elder and sit in the academy; but learn out of love, and honor will come in the end" (support for which thought is found in Prov. 7.3; 3.17, 18).

The idea of *le-shemah* which plays such an important role in Talmudic literature is again set forth in the Rabbis' comment on the fact that Scripture speaks of the burnt-offering of an animal and the burnt-offering of a bird and even of a meal-offering as 'a sweet savour unto the Lord' (Lev. 1.9, 17; 6.8). They make the point: "This is to teach that both he who increases (his offering) and he who diminishes his offering are alike pleasing unto the Lord, provided his mind is toward Heaven."⁹⁷

In fact, it is this very purity of motive, so teaches R. Aḥa b. Adda, with reference to Mal. 3.18, which forms the main difference "between the righteous and the wicked, between him that serves God and him that serves him not." One may be

sure of the purity of his motive only, according to this Rabbi, when he does not make the words of the Law a spade wherewith to dig with them (i.e., use them for secular purposes) or a crown wherewith to adorn himself.⁹⁸

Israel is praised by God, the Rabbis tell us, for having received the Law without being explained the rewards attached to the various commandments: "I gave them affirmative commands and they received them; I gave them negative commands and they received them, and though I did not explain their reward, they said nothing" (they made no objection).⁹⁹

The great stress laid by the Rabbis on the right, the *le-shemah* motive, is also evident in their insistence on the sincerity of motive on the part of the proselyte. R. Nehemiah, a disciple of R. Akiba, for instance, rules¹⁰⁰ that the following are no proselytes: those who have become such because of their desire to contract an advantageous marriage, or out of the hope of wealth or honor, or because of superstitious dreams (interpreted as commanding them to become proselytes), or because of fear (as the 'lion proselytes', such as the Cutheans in Samaria, who became worshippers of Yhwh out of fear of lions [2 Kgs. 17.24-33], or as the proselytes of the days of Mordecai and Esther, who became such "for the fear of the Jews was fallen upon them" [Esther 8.17]). Only such, R. Nehemiah insists, who become converts to Judaism in dire times like these (the evil days after the war under Hadrian), are considered genuine proselytes. Rab, however, rules in the passage cited (and his view prevailed) that even the former are to be regarded and treated as proselytes once they have been properly received and do not publicly apostatize, for the reason that, in the words of Moore, "motives for conversion lie beyond *legal* cognizance."¹⁰¹ Among the reasons given by some Rabbis for the misfortunes of proselytes, the one mentioned by R. Eliezer ben Hyrcanus—that they obey the

Law not out of love of God but out of fear of His punishments¹⁰²—is very illuminating. The Rabbis' insistence on the purity of motive in conversion appears again in their inquiry into the candidate's motives during the solemn rite of admission of the proselyte,¹⁰³ in the course of which the Rabbis took pains to dwell on the arduous duties, difficulties and dangers to which the proselyte exposed himself by becoming a member of a persecuted people. These admonitions were of course intended to test the sincerity of the candidate's motives. Only the *ger zedek*, the righteous proselyte, or the *ger emet*, the genuine proselyte, one who became a proselyte *le-shem Shamaim* ('for the sake of God'), was the kind the Rabbis considered as truly worthy of embracing Judaism.

We may recall here also the interesting fact that a number of Rabbis vigorously denied, as did the author of the Book of Job, that there was any relationship, at least in this world, between righteousness and prosperity, and sin and suffering.¹⁰⁴ These Rabbis did not accept R. Ammi's extreme view that "there is no death without (preceding) sin nor affliction without (preceding) transgression,"¹⁰⁵ a view which was strikingly expressed in another way by R. Ḥanina ben Dosa: "It is not the wild beast but sin which kills."¹⁰⁶ One of the distinguished objectors to R. Ammi's view is R. Meir. In that very interesting passage in *Berakot* (7a), we are told that R. Joḥanan in the name of R. Jose said, that among the three things which Moses asked God to explain to him was 'the ways of God', i.e., why there are righteous people who are prosperous and righteous who suffer; wicked who are prosperous and wicked who suffer. One view has it that the request of Moses was granted, the explanations given embracing some of the well-known 'ways of justifying God'. R. Meir, however, held on the contrary that Moses' request was not granted, and that the answer which Moses received was,

"And I will show mercy on whom I will show mercy" (Ex. 33.19), i.e., even to him who is undeserving of it.

The same view is expressed in *Shabbat* (55a). Here we are told that: "The ministering angels said before the Holy One, praised be He, 'Sovereign of the world, why hast Thou decreed death unto Adam the first Man?' 'Because', said the Lord unto them, 'I gave him one light commandment and he transgressed it.' They then said to Him, 'Did not Moses and Aaron die although they fulfilled the entire Torah?' Whereupon God answered in the words of Eccl. 9.2: 'All things come alike to all; there is one event to the righteous and to the wicked, to the good, and to the clean and to the unclean.'" This view is again expounded very eloquently in *Menahot* (29b), where we are told that when Moses ascended to heaven, God showed him, among the great men of futurity, R. Akiba, who was sitting and interpreting the law in a most masterful way. Moses said to God: "Thou hast shown me his worth, show me also his reward", whereupon Moses was bidden to look back. Then Moses beheld Akiba dying the most cruel of deaths and his flesh being sold by weight. Moses now asks, "Is this the reward of such a life?" Whereupon God answers him: "Be silent; this I have determined!"

It is needless to adduce further evidence to show that even those Rabbis who held to the view that there is no hope of reward (at least in this world) for a life of duty, believed and taught like those Rabbis who held fast to the hope of reward, that duty must be performed *le-shemah*—for duty's—or for God's sake.

And when the Blessed Hereafter became a fundamental faith in Judaism, though it was widely used by the Rabbis as an effective means for inspiring the Jew toward fidelity to every duty of his religion, even as did the Deuteronomist long before make similar good use of the promise of long life and prosperity on earth,—it did not become in Rabbinic

Judaism the all-important end of religion. Nor did the Rabbis set it up as the highest motive for fidelity to the many and varied duties of Judaism. The great motive still remained *le-shemah* or *le-shem Shamaim*. In fact, to the Jew the fate of the individual after death, as Moore explains, did not occupy the same place which it had in many contemporary religions of the Hellenistic world (among which we may include Christianity). The Mysteries, which were solely concerned with the salvation of the individual after death, were joined by men for a guarantee of future blessedness. To the Jew, however, religion was the end before the consolation of a blessed hereafter became an integral part of Judaism. Religion to the Jew was never the means toward another end. It was the end itself. In the pregnant words of Moore in this connection: "A Jew did not embrace it (Judaism) nor adhere to it to escape the perils of the soul beyond the tomb, much less the retributive justice of God. Religion, in the higher conception of Judaism, was not a means to that or any other end; it was the divinely appointed end. Whole-hearted and whole-souled love to God was its essence; its duties to God and man were truly done only when done for God's sake, or for their own sake, not from any self-regarding motive."¹⁰⁷

Our discussion of the *le-shem Shamaim* motive would not be complete if we failed to refer here to the interesting Talmudic discussion of the important principle in Jewish religious law, '*Mizwot zerikot kawwanah*', i.e., the proper performance of the religious commandments requires *kawwanah* or intention. This Talmudic discussion, reflecting as it does the fundamental purpose of this principle, is but another eloquent rejoinder to the biased modern Christian scholars of the School of Schürer,¹⁰⁸ (with their celebrated axe to grind, viz., the exaltation of Christianity at the expense of Judaism), who would deny so-called 'inwardness'—true piety and de-

voutness—to Judaism because of the presence therein of numerous fixed forms and minute regulations for prayer and the other religious duties. As if, as Enelow observes in his monograph on the history of the term and idea of *Kawwanah* in Judaism,¹⁰⁹ “minute regulations of the religious life was in itself antagonistic to spirituality and inwardness, or that it necessarily had that effect among the Jews; as if the discipline of an army or the laws of a country must necessarily suppress patriotism, or the rigorous training of the sciences destroy love and enthusiasm for them.”¹¹⁰ The said detractors of Judaism, as Enelow points out in this essay, refuse to perceive that the Rabbis’ intention (an intention that was on the whole successful) in their minute regulations on prayer and the other religious duties was the very development of that desired ‘inwardness’—that *Kawwanah* in its profoundest sense to which we shall presently refer—rather than the emptying of the religious life thereof. Indeed, in the Talmudic discussion of the ‘*Mizwot zerikot kawwanah*’ principle we observe that this desired ‘inwardness’ of the religious life is insisted upon by the Rabbis even as a legal principle, let alone as a moral duty.

The principle ‘*Mizwot zerikot kawwanah*’ is deduced by the *Gemara* from the *Mishnah* (Berakot, II, I, Berakot 13a, *Mishnah*). In the said *Mishnah* the question arises in regard to the reading of the *Shema*‘. Suppose one was reading the *Torah*, and in the course of it read the *Shema*‘, was the duty of reciting the *Shema*‘ thereby fulfilled? The *Mishnah* rules as follows: “If one was reading in the *Torah* the portion containing the *Shema*‘, and the time came for the obligatory reciting of the *Shema*‘, it depends whether *he set his heart upon it*; if he did, he has complied with his duty (*im kiwven libbo yaza*)”. In other words, it depends whether he not only intended to read the *Shema*‘, but to say it as such. (To the same effect is R. Meir’s ruling as to the proper way of

saying the *Shema'*, viz., 'by setting his heart on it' [*aḥarè kawwanat ha-leb*]. And the same ruling holds in regard to the reading of the *Megillah*. Should one be reading the *Megillah* on *Purim* while writing, expounding or correcting it, his duty to read the *Megillah* on this festival is fulfilled only 'if his heart is set on it'.¹¹¹)

Now in the Amoraic controversy on this principle, as to whether the performance of religious duties does or does not require *kawwanah*, the question of intention, the will to perform the *Mizwah*, is assumed by both sides of the controversy, even by those who hold that '*Mizwot en zèrikot kawwanah*': that the performance of religious duties does not require *kawwanah*. They only differ, as Higger correctly explains,¹¹² as to whether it is imperative that the intention, that is assumed as necessary by both, be *actual*, i.e., be accompanied by the *attention of the intellect* during the performance of the *Mizwah*, or whether it suffices if one's intention is only *virtual*, that is, unaccompanied by the attention of the mind during its performance. Thus the mere accidental performance of religious duties, such as the accidental reading of the *Shema'* or the accidental blowing of the *Shofar* in their respective required times, is not considered proper compliance with the Law even by those who hold to the view that the performance of religious duties does not require *kawwanah*. Acts performed in this accidental way even the latter would put in the class of '*Mit'assek*', i.e., acts done when one's mind is occupied with something else, and the Talmudic ruling concerning the last is, "*ha-mit'assek lo yeze*: he whose mind is occupied with other things while performing a religious duty is not considered as having properly fulfilled his duty."¹¹³ In fact, this is just the way those who hold that the performance of religious duties does not require *kawwanah* interpret the ruling of our above quoted *Mishnah*, viz., that when the *Mizwah* in question was per-

formed accidentally, it is not considered properly performed and must in that event be performed again. If, however, it was performed with intention, though the intention was only virtual, the performance of it—and just this is the legal point—need not be repeated. Those, on the other hand, holding to the view that the performance of religious duties requires *kawwanah* would insist that the performance of a *Mizwah* must be repeated if one's attention was not fixed thereon during its performance.

It must be remembered, however, that the underlying purpose of the *Gemara's* general principle, '*Mizwot zerikot kawwanah*', was much more than the establishment of a practical legal principle governing the performance of the religious duties. It was rather to bring to the fore the broader and deeper—moral and religious—meaning which the pregnant term *Kawwanah* assumed in Rabbinic Judaism. Its underlying purpose was to emphasize that the performance of religious duties requires a devoutness and concentration that goes beyond the mere legal demands of this principle. In the case of reciting the *Shema*', for instance, the required *Kawwanah* meant to the Rabbis the intention of proclaiming God's Unity and of taking upon oneself the Yoke of the Kingdom ('*Ol Malkut*'). The required *kawwanah* also meant intelligent recital of prayers, as we have noted in our above quoted *Mishnahs*. It meant sustained devotion. This is eloquently evident in the solemn admonition of R. Eleazar: "Let a man examine his mood: if he can concentrate his heart, let him pray; if he cannot, let him not pray".¹¹⁴ And in that of Simeon b. Nathaniel: "Be careful in the reading of the *Shema*', and in prayer; and when thou prayest, make not thy prayer a fixed task, but a real yearning and supplication before the Lord."¹¹⁵ And in their conception of prayer as 'worship within the heart' ('*abodah she-hi be-leb*').¹¹⁶ And in their designation of devotion in prayer ('*Iyyun Tefillah*') as

one of the six most meritorious acts.¹¹⁷ Indeed, the tendency toward devoutness and concentration in prayer seems to have become at times so overemphasized as to evoke rebuke by the leading Rabbis. Such rebuke is implied in the words of *Rabbi* which were addressed to R. Jeremiah, who while sitting one day before *Rabbi* recited the *Shema* and dwelt with unusual length and emphasis on the *Ehad*: "As soon as you have apprehended His Kingship above and below and in the four directions of heaven, you need say no more".¹¹⁸

And our general principle, 'Fulfillment of the duties requires *kawwanah*'—in this profoundly religious sense of ideal intention, of proper motive, of pure devotion, of *le-shem Shamaim*—which was applied to prayer, is of course likewise applied by the Rabbis to all the ritual and ceremonial duties of Judaism.¹¹⁹ And also to study and conduct. Thus R. Eliezer b. Jacob interprets Deut. 11.13 ('to love the Lord your God and to serve him with all your heart and all your soul'):—" 'To serve Him with all your heart', this is an admonition to the priests that they permit not their hearts (i.e., their minds) to be distracted during their service at the Temple; 'with all your heart and all your soul',—but was it not already written 'with all thy heart and all thy soul' (ib. 6.5)?—Here, however, it refers to the individual, while there it refers to the community; here, again, it refers to the study of the Law, there to deeds."¹²⁰ The true spirit of *Kawwanah*, in brief, so teach the Rabbis, must permeate the whole of man's life.

And this great, distinctively Jewish, idea of *Kawwanah*, so eloquently revealing the inwardness of Judaism, is equally evident in medieval Jewish philosophic and ethical literature, wherein, as Enelow indicates, *Kawwanah* came to signify pure devotion. In this prolific and rich literature, *Kawwanah* is writ large, especially in Baḥya's *Hobot ha-Lebabot*, with its powerful emphasis on the 'Duties of the Heart', to which

great work, felicitously characterized by Enelow, as "a book for the diffusion of *Kawwanah*", we must now turn.

The most eloquent expression given to the motive of love or *le-shem Shamaim* in medieval Jewish literature is without question Bahya's great religio-ethical work, *The Duties of the Heart*. Though influenced, as we noted above, by the mystical Sufi literature in vogue at that time, Bahya's work is nevertheless fundamentally Jewish, and his chief inspiration is the Hebrew Bible, as well as the Midrashic literature of the Rabbis, on the surface of which his chief ideas are found. Truly, the *Hobot* is a supreme plea for the true ethical motive, for *Kawwanah*, for the ideal intention that must forever motivate man in his every deed and thought. The very telling name of this great book—*The Duties of the Heart*—reveals at once the supreme emphasis on the proper source whence duty must emanate—the heart—the mind—the conscience. Out of man's hidden inward life (*be-mazpun ha-adam*), out of the springs of his character, duty must well up. Such duties as consist merely of outward action, are only the inferior duties of the 'limbs'. Be they even deeds of goodness, they cannot spell Duty in truth: "And it became perfectly clear to me", writes Bahya in his Introduction, "that all the roots of works which a man must carry out to please God are founded in purity of heart and translucent clearness of one's innermost thought. If anything impairs the purity of the intention with which a thing is done, the works themselves become unacceptable to God, even if they be good works that are continuously and repeatedly done."

In Bahya's *Hobot*, we have a convincing confirmation of the idea, expressed in our first chapter, regarding the profound moral influence of the true religious sentiment upon ethics. We observed there that Religion's function is the deepening and sanctifying of duty, lending to it enthusiasm in the literal sense of this term—divine inspiration or motiva-

tion. This profound religious basis of Baḥya's ethics combined with his fine philosophic training enabled him to give to his ethical teachings a truly systematic unity. The *Hobot* is the first and only Jewish ethical system which is systematically based upon one supreme principle—the duty of man's whole-souled service of God, growing out of man's boundless gratitude to God not merely for the things which man enjoys in God's world but for God's good will to benefit man. This divine good will man cannot fail to recognize, according to Baḥya, through his '*Behinah*' (this being the subject of the second Gate of the *Hobot*), through man's obligatory study of God's wisdom and goodness evident in the numerous beneficent works of nature. This 'disinterested' love and beneficence of God toward all of God's creatures which the intelligent man perceives in nature and in his own being must inspire in man a similar disinterested love for God, a love that must express itself in man's true service of God which includes man's sacrificial love of his fellow.

Thanks to this exalted and fundamentally Jewish principle upon which his ethics is based, Baḥya succeeds in making his ethics, as Collins well observes, truly universalistic—equally applicable to all 'Reasoning Creatures' (*beru'im ha-medabberim*).

Again, by the aid of this supreme principle which gives the *Hobot* its sublime systematic unity and universality, Baḥya is enabled not merely to hold with Kant, as Collins correctly perceived, that morality finds its source and justification in reason, but to go further back and discover Morality's chief duty. "Kant says", writes Collins, "that 'Religion is the recognition of our duties as divine commands', but he makes morality the foundation. Baḥya goes further back. He holds that morality is what reason would discover, but its chief duty is to seek to understand the Creator, so that we realize our debt of gratitude to Him, and it becomes our

delight to do His will, in thought and deed, and not merely our duty to obey, even divine commands; and so to do it, that the Love of God (which is the inspiring title of the tenth and last Gate of the *Hobot*), with all its corollaries and results, becomes a second nature."¹²¹

Man's chief duty being the disinterested love of God, it goes without saying that this service must originate in the heart, that it must consist in nothing less than *Yihud ha-Ma'aseh*: A Unification of Works (the title of the fifth Gate), resulting in the performance of duties in such a fashion that man's actions and the motives thereof, his tongue and his thoughts, his limbs and his heart, function in unison, in the spirit of sincerity and truthfulness, thus bringing about the desired love of God and man.

It therefore goes without saying that such exalted service, growing out of the spirit of love and gratitude, frowns upon the idea of reward and punishment as a sanction for and inducement to virtue or duty. Bahya indeed regards that fear of God, which is tantamount to fear of God's punishment for sin, as one of the hindrances to that true love of God which makes sin impossible.

Like Maimonides after him, Bahya distinguishes two kinds of fear in the Torah: "Fear is of two kinds. One of them is the fear of His punishment, and His trials, and this is one's fear of how God can pain him, so that if he were secure against being pained, he would neither fear nor serve God. And concerning this kind of fear, our sages say, 'It makes it very doubtful in the case of one's doings, whether they spring from love or terror' (Megillah 25b). Such a man is, by reason of his limitations, far below the rank of those who can be called 'God-fearing', and this is what we are warned against by our sages when they say, 'Be ye not like servants who serve the master in order to receive reward, etc.'; and one of the pious has said, 'I should be ashamed

before God if I served Him because of the anticipation of reward or punishment, for I should be like a wicked servant, who, if he is frightened or has hopes, does his work, and when he is not in fear, or is hoping for no reward, leaves his work undone, but I will serve Him because it is proper for me to do so.'” And Baḥya proceeds to describe the second and proper kind of fear which brings one to the love of God: It is tantamount to “awe and reverence of His glory, His exaltation, and the greatness of His power, and such an awe and reverence, once felt, never departs from a man, and such an awe never departs from him all the days of his life. And this is the highest degree that can be attained in the ‘fear of God’. He who fears God in this way will neither love nor fear anything, or anyone but the Creator . . . Of those who fear God in this higher and better sense, it can be said with truth that it is a matter of indifference to them if human beings praise or blame them when it is a question of doing the will of the Creator, blessed be He, and when they are commanded by Him to do good, or to refrain from evil.”¹²² Such ‘fear of God’ must indeed bring one to that exalted love of God, which “is the extreme longing of the soul, growing faint with longing and turning of itself to the Creator, in order that it may cleave to His highest Light, and this is that the soul, being pure spirit, inclines to that which is most akin to it among spiritual beings, and makes itself distant from those material beings that are, in nature, its opposites.”¹²³ Such love of God Baḥya holds up to man as the supreme motive of Duty. It is a love, according to Baḥya, truly attainable by man, and is not only the true source of duty but is also the never-failing fountain of man’s highest happiness.

Maimonides believes that both emotions of fear and love are aroused in man in his worship of God, and both, according to Maimonides, are commanded in the Torah: “This

glorious and fearful God commands us to love Him and to fear Him; for it is said: 'And thou shalt love the Lord thy God' (Deut. 6.5), and it is also said, 'Thou shalt fear the Lord thy God' " (ib. 6.13). How both of these emotions are aroused in man in relation to God, is explained by Maimonides as follows: "At the time when one reflects on His works and His wonderful and stupendous creations, and from them perceives His wisdom which is incomparable and unbounded, he immediately loves, praises and glorifies, and yearns with an ardent longing to know the great God. As David said, 'My soul thirsteth for God, for the living God' (Ps. 42.3). And when one reflects upon these very things, he immediately starts back, is struck with fear and terror, and is conscious that he is a creature insignificant, low and immature, standing with only a slight and scanty knowledge; as David said, 'When I consider Thy heavens, the work of Thy fingers . . . what is man that Thou are mindful of him?' (Ps. 8.4f.)"¹²⁴

But though both the emotions of fear and love are naturally aroused in man in the worship of God and are also taught in the Torah, Maimonides is emphatic in his teaching that love should be the predominant motive: "Let not a man say, I will fulfill the commandments of the Torah, occupy myself with its wisdom, for the purpose of obtaining all the blessings which are written therein, for the purpose of meriting the life of the world to come; and I will refrain from the transgressions against which the Torah utters a warning for the purpose of escaping the curses which are written therein, or for the purpose of not being cut off from the life of the world to come. It is not becoming to serve God in this manner; for he who serves God thus performs the service from fear, which is not the standard of the Prophets or the Wise. Indeed, none serve the Lord in this manner except ignorant men, or women and children who are taught to serve Him

from fear, until their mind is developed and they serve Him from love."¹²⁵

And needless to emphasize, with Maimonides even as with all his predecessors,¹²⁶ the Jewish doctrine of reward and punishment in this world and the next, which is one of the fundamental principles of the Jewish faith and which is the eleventh article of the Maimonidean Creed, is not at variance with this other fundamental ideal of Judaism—the serving of God out of the motive of pure love or *le-shem Shamaim*. Nay, the belief in them both, as we noted above, is simultaneously urged.

This is emphatically brought out by Maimonides in, among other places, his celebrated Introduction to *Perek Helek*,¹²⁷ in his Commentary to the Mishnah. Chapter Ten of *Mishnah Sanhedrin* begins with the statement, "All Israel have a portion (*helek*) in the world to come", and is therefore generally referred to as *Perek Helek*. Maimonides, as is his wont, uses this *Mishnah* as the occasion for writing one of his special essays on subjects dear to his heart, in this instance on Jewish dogma, which is the subject of this famous Introduction.

In this essay Maimonides states his famous Thirteen Principles of Judaism, which have become, despite much opposition as to their methodology, the classical Articles of the Jewish Faith, and which, both in their credo and poetic versions, are incorporated in the Jewish liturgy. But what interests us here is Maimonides' enlightening discussion in this essay of the relation of the Jewish principle of reward and punishment to its other ideal of *le-shemah*, or duty for duty's sake.

Maimonides' contention here is of course that the former does not in the least contradict the latter, for the doctrine of reward and punishment does not at all mean or even imply that the expectation of reward and fear of punishment are the proper motives for the true worship of God and the moral life generally.

The belief in divine reward and punishment on the principle of absolute divine justice, is the sublime result of man's inescapable belief in God's just providence. Our very belief in God and of the rationality of the world-order would be impossible without it. And it is this great faith—and nothing less exalted than that—that is the religio-moral justification for the idea of divine reward and punishment in this world and the next, and the reason for its serving as a fundamental principle in Judaism. But that of course does not imply that this sublime belief is meant to serve as an ulterior motive for the service of God and the practice of virtue.

Reward and punishment are indeed taught in the Torah, but as an inducement for righteous conduct, Maimonides contends, it is only meant for moral babes—for the yet imperfect. The Torah intends this idea to serve as a pedagogic means for training man to rise in his moral conduct from the 'natural' state of doing good *she-lo le-shemah*: not for its own sake, to the highest state of doing good *le-shemah*: for its own sake.

In this Essay on Jewish dogma, Maimonides beautifully traces the various ascending stages of the development of the individual's moral life from childhood until his highest maturity in age and moral wisdom. In order to be instructed, the child must be stimulated by means of such trifles as appeal to it. When the child grows into young manhood the earlier inducements to knowledge make way for more worthy prizes. When reaching manhood the individual's exertions in behalf of learning are motivated by still higher ambitions—of becoming a Rabbi or Judge—in the hope that people will honor him and rise before him and be obedient to his authority.

"But all these methods", continues Maimonides, "are blameworthy. For in truth it is incumbent upon man, considering the weakness of the human mind, to make his aim

in his acquisition of learning something which is extraneous to learning. And he should say of anything which is studied for the sake of gaining reward, 'Of a truth this is a silly business'. This is what the Sages meant when they used the expression *she-lo le-shemah*—'not for its own sake'. They meant to tell us that men obey the laws of the Torah, perform its precepts, and study and strive, not to obtain the thing itself, but for a further object. The Sages prohibited this to us in the remark, 'Make not of the Torah a crown wherewith to aggrandize thyself, nor a spade wherewith to dig' (Abot I, 3). They allude to that which I have made clear to you, viz., not to make the be-all and end-all of learning either the glorification of man or the acquisition of wealth. Also not to adopt the Torah of God as a means of livelihood,¹²⁸ but to make the goal of one's study the acquisition of knowledge for its own sake."¹²⁹

Maimonides proceeds to stress the high usefulness of this pedagogic method employed by the Torah for the benefit of the mentally and morally imperfect: "Our Sages knew how difficult a thing this was, and how not everyone could act up to it . . . Therefore, in order that the common folk might be established in their convictions, the Sages permitted them to perform meritorious actions with the hope of reward, and to avoid the doing of evil out of fear of punishment. They encourage them to these conceptions and their opinions become firmly rooted, until eventually the intelligent among them come to comprehend and know what truth is and what is the most perfect mode of conduct . . . The people at large are not one jot the worse off through their performance of the precepts of the Torah by reason of their fear of punishment and expectation of reward . . . On the contrary, they are by this means brought to cultivate the necessary habits and training for acting in loyalty to the Torah. They bring themselves over to an understanding of truth, and become

'servers out of pure love'. And this is what the Sages meant by their remark, 'Man should ever engage himself in the Torah, even though it be not for the Torah's sake. Action regardless of the Torah's sake will lead on to action regardless of it'."

Maimonides, however, characteristically adds yet another angle to the discussion of the subject of divine reward and punishment. And therein is revealed Maimonides' great faith. There is indeed, Maimonides would have us believe, a higher form of reward and punishment which may properly serve as a motive for still profounder piety for the sage who has already attained to the stage of performing duty for duty's sake. Maimonides' brilliant thought on this higher reward as a proper motive is expressed in the following passage: "As regards the promises and threats alluded to in the Torah, their interpretation is that which I shall now tell you. It says to you, 'If you obey these precepts, I will help you toward further obedience of them and perfection in the performance of them. And I shall remove all hindrance from you'. For it is impossible for man to do the service of God when sick or hungry or thirsty or in trouble, and this is why the Torah promises the removal of all these disabilities and gives man also the promise of health and quietude until such a time as he shall have attained perfection of knowledge and be worthy of the life of the world to come.

"The final aim of the Torah is not that the earth should be fertile, that people should live long, and that bodies should be healthy. It simply helps us to the performance of its precepts by holding out the promise of all these things. Similarly, if men transgress, their punishment will be that all these hindrances will come into being, rendering them powerless to do righteousness . . . This is meant by the assertion of the Rabbis, 'The recompense of a precept is a precept, and the recompense of a transgression is transgression'" (Abot IV, 2).¹³⁰

The idea of *le-shemah* or duty for duty's sake is again eloquently stressed in the Rabbis' pregnant doctrine (a fine rejoinder indeed to the perennial criers of 'legalism') that man's salvation or perfection may be achieved by the performance of even one commandment, provided that one is done out of the proper motive. For the elucidation of this important idea and the elevation of it to the rank of a subsidiary dogma in Judaism, we are indebted to Joseph Albo (1380-1444), Spanish Jewish philosopher and participator in the famous Disputation held at Tortosa (1413-14), and author of the famous treatise on Jewish dogmas, *Sefer Ha-Ikḳarim* (Book of Roots).¹³¹ This doctrine in Albo's classification of the dogmas of Judaism is the fourth of the six subsidiary dogmas comprising the third category of Jewish dogmas which Albo terms '*Anafim* ('Branches').

In his discussion of this doctrine, which is apparently and very effectively indeed aimed at Paulinian Antinomianism, Albo alludes to the dispute on this matter in the *Talmud* between Rabbi Simeon ben Laḳish and Rabbi Joḥanan in Chapter *Ḥeleḳ*.¹³² The dispute revolves around the homiletic interpretation by these two Rabbis of Is. 5.14. Commenting on this verse ('Therefore the nether-world hath enlarged her desire, and opened her mouth without measure [*hoq*']), Rabbi Simeon ben Laḳish opines that the nether-world opens her mouth for the one who neglects even one statute of the Torah, rendering the word *hoq* in this verse in its ordinary meaning of statute, viz., 'and opened her mouth because there was no statute'. To this interpretation Rabbi Joḥanan objects: "The Lord is not pleased with this that you say about them (Israel). The meaning of the expression is: the nether-world opens her mouth for him who has not performed a *single* statute of the Torah".

Now Albo argues that it would indeed seem, at first thought, that in order to attain perfection the Law must be fulfilled

in its entirety, as Rabbi Simeon ben Lakish holds: wherefore should God have burdened us with so many commandments if perfection can be attained by only one? And if this were the case, no man would be able to acquire perfection, "for there is not a righteous man upon the earth that doeth good, and sinneth not" (Eccl. 7.20). "If he lacked one commandment, according to this opinion", Albo continues, "he would not attain human perfection, and the Torah which was given to Israel as an act of grace, so as to bring them all to eternal life, would be the very thing which would prevent them from attaining this happy privilege. This is contrary to God's intention. Not merely would the result be that not all Israelites could attain perfection, but not even one person in a generation can embrace all the ideas of the Torah, or perform all the statutes and fulfill all the judgments which are found therein. All Israel would then go down to the pit. 'Far be it from God, that He should do wickedness, and from the Almighty, that He should commit iniquity' (Job 34.10). Besides, our national tradition is opposed to this idea, for we find in the *Mishnah*, 'All Israel have a share in the world to come.'"¹³³

Albo proceeds to explain that we find an enlightening analogy in nature for God's giving Israel numerous commandments, notwithstanding the fact that the proper observance of one commandment is sufficient for man's perfection. "We find many things in nature", Albo states, "which are not absolutely necessary, but are there to make things better than they would be without them. For example, the duplication of the sense organs is not absolutely necessary, for animals exist and maintain themselves without this duplication. But they exist in animals to make their condition better than it would be otherwise. So God, in His desire to lead man to his perfection, seeing that there are so many hindrances which prevent him from attaining this end, devised a means to

make the attainment possible. He multiplied ways and means, not all of them necessary for the attainment of perfection, but making it easier, so that human perfection or a part of it may be obtained by means of any one of the ways, the purpose being that not a single human being in general or Israelite in particular, should fail to attain that perfection if he tries to obtain it in any one of the ways.

"This is the meaning of the Rabbis' statement at the end of the treatise *Makkot* (23b). 'Rabbi Ḥananiah, son of 'Aqashya said: God desired to favor Israel, therefore He gave them many laws and commandments, as it is said: 'The Lord was pleased for His righteousness' sake to make the teaching great and glorious' (Is. 42.21). They thus make clear that the reason Israel were given so many commandments is to bestow upon them righteousness and merit. Now it is clear that if all were necessary for the attainment of perfection, the effect would not be merit, but guilt. This is why Rabbi Joḥanan said, 'The Lord is not pleased with this that you say about them; the verse means that the nether-world opens her mouth for him who has not observed even one commandment of the Torah'.¹³⁴

Albo then quotes, to the same effect, Maimonides, from whom he no doubt obtained a hint which directed his elucidation of this doctrine of the sufficiency of one commandment for human perfection: "Maimonides is of the same opinion in his commentary on that *Mishnah* (*Makkot*, end). It is a fundamental belief of the Torah, he says, that if a person fulfils one of the six hundred and thirteen commandments in the proper manner without any selfish or material motive, but performs it for its own sake and for the love of God, as I explained, he merits thereby eternal life. This is the meaning of Rabbi Ḥanania, that if there are many commandments, it is not possible that one should not sometime in his life do at least one of them in the proper manner,

so that his soul merit eternal life. This belief is proved in the *Talmud* ('Abodah Zarah 18a), where Rabbi Ḥanina, son of Teradyon, asks Rabbi Jose, son of Kisma, What are my chances for eternal life? The answer is: Have you any good deed to your credit?—i.e., have you performed any act in the proper manner? Rabbi Ḥanina replied that he had performed an act of charity in as perfect a manner as possible. Thereby he merited eternal life."¹³⁵

Thus Albo sums up the doctrine of the One Commandment as follows: "It is clear, therefore, as we said, that one commandment alone is sufficient to give perfection to man. And the reason there are many commandments in the Torah is not because they were necessary, but to make things better, so that no Israelite should fail to merit eternal life by means of some one of them, whichever it be. We have support for this opinion in no less a man than Maimonides who says that the opinion of our Rabbis is that the reason for the multiplicity of commandments was not to load us with their heavy burden which we could not bear, but that it was an act of divine grace, to enable Israel to acquire merit and righteousness. He increased the Torah and multiplied the commandments in order that they may have many different ways of acquiring human perfection . . ." "To be sure", Albo adds, "the more commandments he performs, the greater is his degree in the future life."¹³⁶

Albo again stresses the doctrine of the *le-shemah* motive in his allusion to the Rabbis' extreme interpretation of Prov. 3.6 ('In all thy ways acknowledge Him'). On this verse Albo states, the Rabbis comment (Berakot 63a),—"even if thou art doing (an apparently) bad act" (*afilu li-debar 'aberah*). Which idea is again brought out by the Rabbis, Albo continues, in their statement (Nazir 23b), that better is a transgression committed for the sake of God than a commandment (a good act) performed which is not for God's

sake (*Gadol 'aberah le-shemah mi-mizwah she-lo le-shemah*).¹³⁷ All of which again most convincingly shows how deeply the Rabbis felt about the all-importance of the duty-for-duty's sake motive.

To what lengths this doing of duty for its own sake or in the name of Heaven or from love, must in the conception of the Rabbis at times go, we learn from the passage in the *Sifrè*, which interprets the second verse of the *Shema* (Deut. 6.5, 'And thou shalt love the Lord thy God with all thy heart and with all thy soul') thus: "'with all thy soul', i.e., even when He takes thy soul, or life (*afilu hu notel et nafsheka*), as it is written, (Ps. 44.23) 'Nay, but for Thy sake are we killed all the day, etc.''" In brief, Judaism commands that duty must in extreme cases be performed even when it entails martyrdom, or *Kiddush ha-Shem* ('Sanctification of the Name') in the most extreme sense of this phrase.—To which great Jewish motive we must now turn.

This great motive and principle of Judaism—the 'Sanctification of the Name' (*Kiddush ha-Shem*) and its opposite, the 'Desecration of the Name' (*Hillul ha-Shem*)¹³⁸—is described by Moore as one that "indeed derived from Scripture, but is developed into what may fairly be regarded as the most characteristic feature of Jewish ethics both as principle and as motive."¹³⁹ Its Scriptural derivation is Lev. 22.32 ('Ye shall not profane My holy name, and I will be hallowed in the midst of the Israelites; I am the Lord, who hallow you'),¹⁴⁰ which verse, Jellinek, as quoted by Kohler, very felicitously called 'Israel's Bible in miniature'. The text in which this verse occurs refers to the priests as the guardians of the Sanctuary, but this commandment, as Kohler remarks, in its positive and negative forms, was applied at an early time to Israel as the priest-people. The idea in this principle is that the Name of God, i.e., God Himself, is hallowed by the actions of men.

To the Biblical writers, God hallows his Name or Himself by demonstrating to the nations through His great deeds His supreme Godhead, thereby compelling them to acknowledge His name or Himself, and to accept and serve Him as the true God. Thus His restoration of exiled Israel is such a demonstration, as we find in Ezek. 36.22-23: "I do not do this for your sake, O house of Israel, but for My holy name, which ye have profaned among the nations whither ye came. And I will hallow My great name . . . and the nations shall know that I am the Lord, saith the Lord Yhwh, when I shall be hallowed in you before their eyes."¹⁴¹

Similarly, as Moore points out, was God's hallowing of His Name understood by the Rabbis, as in the passage in the *Sifrè* on Deut. 32.3 ('I will proclaim the name of the Lord, give ye greatness to our God'): "Our fathers went down to Egypt only in order that the Holy One, blessed is He, might work miracles and do mighty works for the purpose of hallowing His holy name in the world, etc."¹⁴²

Upon this principle, Israel, God's priest-people, is therefore in duty bound to hallow God's name by living such a holy life as shall constrain the nations of the world to accept and acknowledge the God of Israel as the only and true God. This principle, by the way, is the special duty of Israelites only, not of other nations.¹⁴³

Now, how is Israel to hallow or make holy God's Name? One answer we find in the passage in the *Sifra* on Lev. 19.2 to which we referred above: "'Ye shall be holy'.—Be ye separate (*perushim*). 'Ye shall be holy, for I the Lord your God am holy',—as much as to say, if ye make yourselves holy, I impute it to you as though ye hallowed Me; and if ye do not make yourselves holy I impute it to you as though ye did not hallow Me."¹⁴⁴ To the same effect, R. Simeon ben Yohai: "'Ye are my witnesses, saith the Lord, and I am God'

(Isa. 43.10).—When ye are my witnesses, I am God, and when ye are not my witnesses, I am not God".¹⁴⁵

We find the same thought in the following statement of R. Simeon ben Eleazar, interpreting Ex. 15.2 ('My father's God, and I will exalt Him'): "When the Israelites do the will of God, then His name is made great in the world, as it is said, 'When the kings of the Amorites hear, etc.' (Josh. 5.1) . . . And when they do not do His will, His name is, so to speak, profaned in the world, as it is said, (Ezek. 36.20) 'And when they came unto the nations whither they came, they profaned my holy Name' (in that men said of them, 'These are the people of the Lord, and are gone forth out of the land')."¹⁴⁶

As to the specific ethical ways of hallowing God's name, we may mention the following. An extraordinary act of charity hallows the name of God. This is illustrated in the Midrashic story of Sarah's most generous act of nursing the children of the heathen women.¹⁴⁷

The idea of *Kiddush ha-Shem* assumed in time the meaning, and was in turn embodied in the policy, of treating adherents of other faiths with special fairness and equity. Every generous and charitable act to a Gentile was actuated by the *Kiddush ha-Shem* motive. Thus we find that Simeon b. Shetaḥ was held up as an exemplar of sanctifying God's name for this very reason. The story goes that Simeon b. Shetaḥ bought an ass from the Arabs. When his servants expressed delight at discovering a necklace of jewels around the neck of the animal, he immediately returned the necklace to the owner, who exclaimed, "Blessed be the God of the Jews (who renders His people so scrupulous in their dealings with other men)!" "The actions of a people reveal the character of their God."¹⁴⁸

Thus the most grievous fraud is that committed against a non-Israelite, because it leads to the reviling of God's name.¹⁴⁹ We therefore find R. Akiba condemning R. Ishmael,

whose practice it was, when a case came for adjudication before him in which one was an Israelite and the other a Gentile, to give judgment according to whichever law (Jewish or foreign) was the more favorable to the Israelite,—“for it is not permissible to play a lawyer’s trick upon a Gentile because of *Ḳiddush ha-Shem*”¹⁵⁰—i.e., because it reflects dishonor on the religion.

Finally, God’s name is supremely hallowed by the readiness on the part of the Jew to give up his life rather than abandon his religion. Abraham is singled out by the Rabbis as the first example of such a readiness to martyrdom, for, according to the legend, he hallowed the name of God when, because of his attacks on idolatry and his refusal to worship other gods, he was cast into the fiery furnace by Nimrod.¹⁵¹ And of course the refusal of the Maccabean martyrs to eat swine’s flesh, the eating of which was considered an overt act of apostasy, was tantamount to their refusal to commit *Hillul ha-Shem* (‘Desecration of the Name’). Similarly, after the rebellion under Hadrian the great number of martyrs who refused to comply with the Hadrianic decrees not to practise the observances of the Jewish religion and not to teach the Law, or to perform some rite of idolatrous worship, did so of course for *Ḳiddush ha-Shem*—for the hallowing of God’s name.¹⁵² And it was only because of the great readiness on the part of the pious Jews of the latter period to martyrize themselves for any infraction of the Law, leading to a condition which spelt disaster to the very survival of the Jewish people, that the council at Lydda ruled that a Jew should only martyrize himself when compelled to transgress only the three capital crimes of the Jewish Law, namely, idolatry, incest and other sexual sins, and homicide.¹⁵³ Nevertheless Akiba and Ḥanina ben Teradyon, amongst other famous martyrs, insisted on defying the prohibition of teaching the Law and cheerfully paid the martyr’s penalty for it.¹⁵⁴ R. Ishmael,

however, held that even an idolatrous act, under such circumstances, might be performed provided it was done in private, on the principle which we referred to above and frequently cited by the Rabbis, that the Law was given that a man should live by it (Lev. 18.5), not die by it.¹⁵⁵ If, however, the act was to be done openly, (*be-farhesia*), it was generally agreed by all that a Jew must accept death rather than yield to such a demand, because " 'Ye shall not profane My holy name, and I will be hallowed among the Israelites, I am the Lord that hallow you' (Lev. 22.32).—'And I will be hallowed.'—If ye hallow My name, I will hallow My name through your instrumentality."¹⁵⁶

And these Jewish martyrs felt very humble indeed when called upon to make the supreme sacrifice for *Kiddush ha-Shem*. Thus when the brothers Lullianus and Pappus in Trajan's time were tauntingly asked why, since they were of the people of H̄ananiah, Mishael and Azariah for whom a miracle was performed which saved their lives during their act of martyrdom, a similar miracle was not wrought by their God in their behalf, they humbly replied that H̄ananiah, Mishael and Azariah were perfectly righteous and were therefore deserving of a miracle, but they themselves deserved death.¹⁵⁷

Hillul ha-Shem is the opposite of hallowing God's name: it is the profanation, the reviling, of God's name by any word or act of a Jew that brings disgrace upon his community, his religion and his God. Throughout Jewish history, even to this day, the admonition against *Hillul ha-Shem* has been for the commonest Jew a most powerful motive to deter him from any misconduct that might bring into contempt the honor of his people, his religion and God.

Thus a theft committed against a non-Jew is more grievous than one committed against a Jew, because to the transgression of the Law is added the sin of desecrating the Name.¹⁵⁸

So in the case of lost property of a 'Canaanite' (a heathen inhabitant of Palestine), which, under a strict construction of the law in Deut. 22.3 ('thy brother's'), an Israelite was not required to return to the owner, Phineas b. Jair held that if this would give occasion to the profanation of the Name, the finder was forbidden to keep it.¹⁵⁹

Hillul ha-Shem is considered a graver sin than any other (*Hillul ha-Shem kosheh mi-kulan*).¹⁶⁰ All sins may be atoned for, taught R. Ishmael, by repentance, by means of the Day of Atonement, or through the chastening power of affliction (according to their heinousness), but acts which cause the desecration of the Name of God will not be forgiven until expiated by death, "for surely the iniquity shall be purged from you, till ye die, saith the Lord God of Hosts" (Isa. 22.14).¹⁶¹ There is no distinction in the profanation of God's Name, so teaches R. Joḥanan ben Beroka, between an inadvertent and a presumptuous sinner (*eḥad shogeg we-eḥad mezid be-hillul ha-Shem*).¹⁶² In the profanation of the Name, whether inadvertent or presumptuous, the Rabbis again admonish, the account is not allowed to run up (i.e., punishment is meted out at once).¹⁶³

The greater the man, the more must he be on guard against *Hillul ha-Shem*, which may result from the slightest deviation from the path of the strictest rectitude. Thus Abṭalion holds that the name of God may be profaned through erroneous teaching: "Scholars, be cautious in your words, lest ye incur the penalty of exile, and ye be exiled to a place where the waters are bad, and your disciples who follow you drink of them and die, and it come to pass that the Name of Heaven is profaned."¹⁶⁴

Very instructive, nay, inspiring, in this connection, showing the very wide application which the Rabbis gave to *Kiddush*- and *Hillul ha-Shem*, is the following passage in *Yoma* (86a): "What is called defaming the Lord's name?—For instance,

said Rab, if I take meat from a butcher and do not immediately pay for it (he might say a great man commits robbery!). R. Joḥanan said: If I walk four cubits without *tefillin* or without studying Torah, I should profane the name of the Lord. The disciples of R. Jannai said: When a man's companions are ashamed of his reputation (the Name is defamed).—In what respect might this (statement) be true? Said R. Naḥman b. Isaac,—when people say of a man, 'O God, pardon him for his deeds.' Abaye said: (The statement) refers to the following *Baraita*: 'Thou shalt love the Lord thy God' (Deut. 6.5).—This implies the following: that the divine Name may be beloved through thee (*she-yehè shem Shamaim mit-aheb 'al yadeka*): that a man should read and study the Torah and wait upon scholars; that he should speak pleasantly to people; that his purchases and gifts should be suitable, and that his business transactions be honest. What will people say of him?—'Happy is he who studied the Torah; happy is his father who taught him the Torah; happy is his teacher who instructed him in the Torah; and woe to those people who have not studied the Torah! Behold, the one who has learned Torah, how beautiful his ways! How perfect his deeds!' Of him the passage reads, (Isa. 49.3) 'And he said unto me, My servant art thou, O Israel, thou in whom I will be glorified.' But one who has read the Bible, studied the *Mishnah* and served the scholars, but speaks not gently to people, or whose purchases and gifts are not fitting, or who deals dishonestly, what do people say of him?—'Woe to him who has read the Bible and studied the *Mishnah*; woe to his father who has taught him the Torah; woe to his teacher who has instructed him in the Torah! Happy is he who did *not* study the Torah! See the one who has learned the Torah! How evil are his deeds! How evil his ways!' Of him Scripture says. (Ezek. 36.20) 'They profane My holy name, because they

said of them, These are the people of the Lord, and out of His land are they gone forth.' ”¹⁶⁵

Another motive developed by the Rabbis is the motive of *loyalty to, or love of, the Law*, which motive would urge that the faithful Jew is in duty bound to observe the commandments of the Law for the simple reason that they were commanded by God in His Law. Perhaps we may more properly call this the *legal motive*, using this term, however, not in the derogatory sense of St. Paul and other misinterpreters of the Jewish Law, who arbitrarily chose to see in ‘legalism’, and in the Jewish religion which they chose to label by this term, something external and lacking the quality of ‘inner’ motive. We rather have in mind the *Jewish* meaning of this term, which, as Moore points out, also happens to represent an older meaning of the term *lex*, from which ‘legalism’ is derived, namely, ‘loyalty to the sovereign and the law.’ This motive of loyalty to God’s Law was called into play for the special purpose of urging upon the Jew the duty of observing the *Huqqim*, or *Mizwot Shim’iyot*, those traditional ritual laws of the Law, discussed above, for which no reason was given in the Law and for which no rational purpose could be discovered. The heavy ritualistic heritage which came to the Pharisees or the Rabbis from the Temple priesthood, and which had already become during the ascendancy of the latter an integral part of the Jewish tradition, could not but be considered by the Rabbis as *Halakah le-Moshe mi-Sinai*, as an integral part of the ‘divine Law given to Moses on Sinai’. Moral and rational reasons for many of these priestly laws there, of course, were none, for they originated in a distant and strange psychology. And to justify their observance, the Rabbis held up the higher motive of loyalty to God or to His Law. The observance of these traditional but irrational laws thus became, in accordance with this motive, a *moral* obligation, since these, too, were given by the same God who gave

the other laws of the Torah, the reason and purpose for which are evident to every intelligent and moral person. The motive for the observance of these laws, as the Rabbis succinctly stated it, is that "It is a statute of the Kings of kings." And from the viewpoint of Revealed Religion, this is a noble motive indeed! In this connection, Moore very pointedly writes: "If this is what is meant by the 'legalism' of the Scribes and Pharisees, the name cannot be denied them, though another derivative of *lex*, 'loyalty', would express their conscious attitude better. It is pertinent to add that from this point of view observances are not the 'externals' of religion, the outgrown vestments of ideas; conformity to the revealed will of God is the essence of religion."¹⁶⁶

CHAPTER VI

THE MORAL AND UNIVERSAL SCOPE OF THE JEWISH IDEA OF DUTY

"He (Joshua ben Levi) said to him (the Prophet Elijah): 'But have I not acted in accordance with the law?' And he (Elijah) retorted: 'But is this the law of the Hasidim (the Pious Men)?'" (Jerushalmi Terumot, VII, 46c; Genesis Rabbah, 94, 9.)

"Our Rabbis taught: 'For two and a half years the school of Shammai disputed with the school of Hillel. One school held that it would have been much better had man not been created, and the other school contended that it were far better that man had been created than if he had not been created. At the end of that period, they counted the number of opinions, and it was found that the majority held that it would have been much better had man not been created, but that since he had been created, it is his duty to examine his actions; and according to others, to be careful of his actions.'" ('Erubin 13b.)

SYNOPSIS—The scope of the Jewish idea of duty as seen in *'Middat Hasidut'* ('the Norm of the Hasid or Pious Man'), and in the *hasid's* guiding principle of *'lifnim mi-shurat ha-din'* ('within or beyond the boundary of legal right'); the relationship of *middat hasidut* to the Aristotelian doctrine of 'the Mean' as championed in Judaism by Maimonides; the ideal Greek and Jewish Gentleman

(the *Hasid*) compared; the scope of the Jewish idea of duty further analyzed: its *inner scope*: the categorical and binding character of the Jewish idea of duty as seen in the Prophet's Call and its *Noblesse Oblige* burden; in the Jewish duty of reproof; in the Rabbis' observations concerning Israel's acceptance of the Law; in the statutory form of the *Mizwot* or Biblical ethical exhortations; in the 'law' characteristic of the term *Torah*, standing for the Revealed Religion known as Judaism; in the element of sin or the ever-present sense of moral insufficiency on the part of the pious man despite his highest attainments in Duty, as compared with God's perfection and holiness; the *moral scope* of the Jewish idea of duty as further seen in the Jewish conception of duties of parents to children and those of children to parents, the former including the duty to educate the son and to teach him a trade; in Mar Samuel's doctrine that 'the law of the state is law' (*dina de-malkuta dina*); the *universal scope* of the Jewish idea of duty, revealed in the universal idea (a) implicit in Israel's self-imposed duty to live as 'a people of priests and holy nation', thus serving mankind by *moral example*; (b) as revealed in the explicit hopes and prayers, in Biblical and Talmudic literature, for the religious and moral regeneration of mankind, especially in Deutero-Isaiah's doctrine of Israel as '*Ebed Yhwh* (God's Martyr-Servant for Mankind); (c) in Israel's direct and vigorous proselytizing activities in the centuries immediately preceding and following the destruction of the Second Temple; Duty as paramount in man's life, in the Rabbis' conception of duty, even on the proposition that 'it were better if man were not created', i.e., even if life is not worth living.

We may best begin our examination of the *scope* of the Jewish idea of duty with a brief study of the concept of *Hasidut*.¹

In the term *Hasidut* we have embodied the traditional Jewish idea of saintliness.

The *Hasid* is considered of greater excellence than the

Zaddiq. This we note in the relative position assigned to them in the *Talmud*,¹ where the *Hasid* is mentioned first, and the *Zaddiq* is placed on a rung of excellence below him. According to R. Phineas ben Jair (a contemporary of *Rabbi*), *hasidut* is the highest perfection, and some of the stages by which it is reached are: the study of the Law, avoidance of sin, a readiness to conquer sin, purity, religious separateness or holiness, and humility.³

Hasidut, which is thus set by the Rabbis on a higher plane than *Kedushah* or holiness, stands for a lofty type of piety that is characterized by a strong element of mysticism and a higher morality which goes beyond the limits of the law. Thus in the various Talmudic quotations, which we will have occasion to cite below, we will find that *middat hasidut*—the standard (or guiding principle, characteristic, or conduct) of the *hasid*—is distinguished by the Rabbis from mere obedience to the law.⁴ And in its correlative principle of '*lifnim mi-shurat ha-din*' ('in front-or outside of, or beyond, the law's boundary'), we note how *middat hasidut* has set for itself the wider field of conduct that is beyond the law. It is a higher stage, as we observe in the aforementioned statement in '*Abodah Zarah*, than *Kedushah*—holiness, which, in the words of Schechter, "moves more within the limits of the law, though occasionally exceeding it, whilst *hasidut*, aspiring to a superior kind of holiness, not only supplements the law, but also proves a corrective to it."⁵

The leading maxim of *hasidut* is given by Raba: "Sanctify thyself even in that which is permitted thee."⁶

The full-orbed meaning of *hasidut*, as Jewish tradition conceived it through the ages, we may glean from the various methods suggested by the Rabbis by which one may become a *hasid* or saintly man. In *Baba Kamma* (30a), after being informed by the Rabbis that the Early Saints (*Hasidim ha-Rishonim*) were in the habit of burying thorns and broken

glass three hand-breadths deep in their fields in order to prevent possible injury to anyone who might step on them, we are told as follows: "Said R. Judah: 'One who wishes to be a *hasid* (or to become pious) must observe that part of the law that deals with Damages (*Nezikin*)'—the laws of the Talmudic tractates which relate to the return of lost articles, usury, etc.—with those laws, in brief, which legislate on the subject of the avoidance of anything that might result in injury to a fellowman. Raba (or Rabina) said: 'He should observe the teachings of *Abot*'—the *Mishnah* which is devoted to ethical teaching. And according to others, the laws of Benedictions (*Berakot*)—the Talmudic liturgical tractate that deals with prayer and thanksgiving."

We note here the tendency of the *hasid*, as Schechter points out, to devote himself to one law or group of laws more than to the others, in accordance with the particular bent of his nature or his particular conception of the will of God. To anyone or all of these three divisions of the Law the *hasid* applies himself with special zeal and self-sacrifice, his leading aim being, to conduct himself in accordance with the principle of *hasidut*: '*lifnim mi-shurat ha-din*' ('beyond the limit, or letter, of the law').

As to the *hasid's* extreme behavior in the matter of that part of the Law which deals with *Berakot*—prayer—his ascetic habits in the matter of life's luxuries, his extreme continence in the matter of licit sexual relations, etc., the reader may profitably consult Schechter's above mentioned monograph, "Saints and Saintliness".⁷

The *hasid's* moral code, which was beyond the morality common to the average good man as laid down by the law, is well exemplified in the *hasid's* interpretation of 'Mine and Thine', graphically given to us in the *Four Middot* in *Abot* (V, 10), above referred to in another connection. The *hasid's* interpretation of it is not, of course, that of the wicked man

(the *rasha'*), 'Thine is mine and mine is mine'; nor that of the *'am ha-arez* or the boor, 'Mine is thine and thine is mine'; nor even that of the average man (*middah benonit*), 'Mine is mine and thine is thine', which the *ḥasid* would go so far as to consider as the evil standard of Sodom. The *ḥasid's* interpretation of it is rather, 'Mine is thine and thine is thine', for he was ever ready to give up his own for the sake of safeguarding the property of others—of individuals or of the community.

The same *Mishnah* gives us the *ḥasid's* attitude on the matter of charity. "As to charity", this *Mishnah* informs us, "there are four *middot* (or ways of giving); he who desires to give, but that others should not give, his eye is evil towards what appertains to others (since almsgiving brings blessings to the giver); he who desires that others should give, but will not give himself, his eye is evil against what is his own; he who will not give and does not wish others to give is a wicked man; he, however, who gives and wishes others to give is a *ḥasid*."⁸ *Abot* continues in this connection to characterize the temper or nature of the *ḥasid*, saying, in effect, that there is the *rasha'* (the wicked man) whom it is easy to provoke and hard to pacify; there is the man whom it is easy to provoke and easy to pacify; again, there is the man whom it is hard to provoke and hard to pacify; the most creditable disposition, however, is that of the *ḥasid*, whom it is hard to provoke but easy to pacify (V, 2).

Finally, *Abot* enlightens us on the *ḥasid's* attitude on the proper relation of learning to practice: "There are four characters among those who attend the *bet ha-midrash*' (the House of Study): the *rasha'* neither attends nor practises; others do attend but do not practise (what they learn); again, others practise but do not attend; however, he who attends and practises is a *ḥasid*" (V, 14).

The *ḥasid's* scrupulousness in avoiding injury to his fellow

comes out forcefully in the following story. When a Roman army besieged the town of Lydda and threatened the destruction of the town and the massacre of its inhabitants unless the latter would extradite a certain 'Ula bar Kosebah, R. Joshua ben Levi prevailed upon 'Ula to deliver himself to the Romans so that by his surrender of himself the town might be saved. Thereupon the prophet Elijah, who was in the habit of having communion with R. Joshua ben Levi, suddenly discontinued his visits. After the latter engaged in much penance, Elijah reappeared to him and said: "Am I expected to reveal myself to informers?" "But," answered R. Joshua ben Levi, "have I not acted in accordance with the law?" (literally, with the *Mishnah*), which permits, under certain conditions, a group of people, who are threatened with death by a gang of robbers unless they surrender a definitely named member of their group, to surrender the one in question. "But is this", retorted Elijah, "the Law of the *Hasidim* (*mishnat hasidim*)?"—which obligates the pious to act kinder than the strict letter of the law demands.⁹

The following Talmudic story also evidences the *hasid's* scrupulousness in the matter of avoiding possible injury to his fellowman, and incidentally suggests his emphatically social attitude toward what we call private property. The story concerns a man who was clearing his private premises of stones and rubbish by throwing them into the public grounds. A *hasid*, who happened by, exclaimed: "Fool, why hast thou thrown stones from premises that do not belong to thee into premises of thine own?" The man laughed at him. Shortly thereafter the man was compelled to dispose of his property, and as he passed along the public premises whereto he threw his refuse, he slipped on the very stones he had previously cleared from his own property. It was then that he acknowledged the wisdom of the *hasid*.¹⁰

The *hasid's* most generous attitude in the matter of charity,

with his norm of 'What is mine is thine', we have noted above. The *ḥasid*, as Schechter remarks,¹¹ did not confine himself in his charities to the limit of the twenty percent of one's income that was laid down by the Rabbis of a certain epoch when mendicancy was made a special sign of holiness.¹² This attitude of the *ḥasid* toward charity is reflected in the great care which he took not to interfere in any way with a beggar's right to beg. The story is told of a *ḥasid* who was in the habit of having visits of the spirit of Elijah, but who missed Elijah's regular visits from the time he built a gate to his courtyard that interfered with the free access of beggars to his house.¹³

An illustration of *middat ḥasidut*, showing the *ḥasid's* conception of the proper attitude of employer to laborer, is found in the story of R. Joḥanan ben Matthias. Of him the *Mishnah* relates that he bade his son hire some laborers, which he did on the understanding that they should be fed. Upon returning later to his father, he was addressed thus by the latter: "My son, even if you should provide them with meals like the banquets of King Solomon in his time, even then be not sure that you have done your duty, as they are the children of Abraham, Isaac and Jacob."¹⁴

But the *middat ḥasidut* as morally eloquent as it is in the Laws of *Abot*—in the pious Rabbis' ethical maxims and admonitions, which is more or less to be expected—is even more morally elevating in the Rabbis' interpretation of the Laws of *Nezikin*—in matters of civil law—where the *middat ḥasidut* functions as a corrective to the law. The leading idea there is, that the pious man must not insist on the literal and strict interpretation of the law when such an interpretation will work hardship upon his fellow, that he must rather act mercifully—'*lifnim mi-shurat ha-din*', 'beyond the boundary of legal right'.

How seriously the Rabbis took this lofty principle, may be

learned from R. Joḥanan's strong statement on this subject: "Jerusalem was destroyed because they insisted upon the fulfillment of the 'law of the Torah'" (*din torah*), i.e., on the exact letter of the law, rather than upon the principle of equity (*lifenim mi-shurat ha-din*).¹⁵ This severe statement of R. Joḥanan also indicates, by the way, that the Rabbinic ideal of the good life—*middat ḥasidut*—had already been recognized in the Talmudic period as the norm of the entire community of Israel.

As was their wont, the Rabbis derived this principle of *lifenim mi-shurat ha-din* from one or two Biblical verses. The above-quoted statement of R. Joḥanan, for instance, is based on the much and eloquently interpreted verse, Ex. 18.20 ('And thou shalt teach them the statutes and the laws, and shalt show them the way wherein they must walk, and the work that they must do').¹⁶ In this verse, in accordance with the Rabbis' interpretation, Moses is asked to make Israel acquainted both with the law and the (merciful) actions going beyond the law. R. Joḥanan's aforementioned deliverance is thus immediately preceded by the statement that the last clause of this verse ('that they must do') refers to such acts as are '*lifenim mi-shurat ha-din*'—beyond the limit of legal right.¹⁷

This verse is more fully and very beautifully interpreted by R. Joseph (cf. Baba Meṣi'a 30b) as follows: "'And shalt show them'—this signifies how to make a living; 'the way' refers to loving-kindness (*gemilut ḥasadim*); 'wherein they must walk' stands for visiting the sick (*bikkur ḥolim*) and burying the dead; 'and the work' means the exact law (*ha-din*); 'that they must do' refers to equity—conduct 'beyond the limit of the law' (*lifenim mi-shurat ha-din*)."¹⁸

Another verse from which the *lifenim mi-shurat ha-din* principle or *middat ḥasidut* is derived, is Deut. 6.18: ('And

thou shalt do that which is right and good in the sight of the Lord').¹⁹

Nahmanides in his Commentary on the Pentateuch has the following apt comments on this verse: "Our Rabbis interpret this verse beautifully as referring to the principle of *lifenim mi-shurat ha-din*. Their idea here is, that Scripture first (ibid. v. 17) commands the observance of God's commandments and testimonies and statutes, and follows this command in the following verse by the command to do that which is right and good, which implies that we are to do those good things which were not included in these commandments." He continues to say that this is an important point, for it is impossible to refer in the Torah to all the relations between man and his neighbors and his friends, to his business affairs, and to all the improvements that bear upon one's community and one's country. But after the Torah had mentioned many such laws in another place (Lev. 19), it repeats in a general way that man must do what is good and right in everything, which includes arbitration (in the case of money litigation) and the principle of *lifenim mi-shurat ha-din* (not insisting upon the strict legal right). It also includes other rules and admonitions making for kindly behavior toward one's fellowmen.

Another celebrated Biblical verse from which our principle is derived is Prov. 2.20 ('That thou mayest walk in the way of good men, and keep the paths of the righteous').²⁰

The following cases mentioned in the *Talmud* will illustrate how this exalted principle—this 'law of goodness', as Schechter aptly calls it—was made use of by the Rabbis as a fine ethical corrective of—as a most moralizing influence on—the law.

In *Baba Mezi'a* (83a) there is the story of a litigation between Rabbah bar bar Ḥana and wine carriers, who during their work broke a cask of wine. Rabbah bar bar Ḥana took away the clothes of the carriers for the damage done by

them. The carriers then came to complain before Rab, who commanded Rabbah bar bar Ḥana to return the garments. When the latter questioned Rab: "Is this the law?", Rab answered, "Yea; as it is written, (Prov. 2.20) 'That thou mayest walk in the way of good men'" (i.e., this is the law, on the principle of *lifenim mi-shurat ha-din*,—"in the way of good men" standing for this principle, according to Rashi, ad loc.). Rabbah bar bar Ḥana did so. Whereupon the carriers again complained: "We are poor men, and labored the whole day. We are hungry and have nothing to eat." Rab then commanded Rabbah to pay them for their labor. The latter asked again, "Is this the law?", and Rab answered, "Yea; as it is written, (ibid.) 'and keep the paths of the righteous'."

We find another example of the application of the *lifenim mi-shurat ha-din* principle in *Baba Meẓi'a* (24b): R. Judah was walking behind Samuel in the market, and R. Judah questioned Samuel: "How would the case be if some one found a purse here?" The latter answered: "It would belong to the finder". "But how if an Israelite would come and identify the lost purse?" Mar Samuel answered: "Then he would be obliged to return it to him." R. Judah rejoined: "Are not the two decisions contradictory?" Samuel answered: "I mean '*lifenim mi-shurat ha-din*' (beyond the limit of legal right). As it happened to my father (who is always referred to in the *Talmud* as *Abuha di-Shemu'el*), who found certain asses in a desert and returned them to the owner after an elapse of twelve months, though he was not obliged to do so in accordance with the strict interpretation of the law. He did so, however, on the principle of *lifenim mi-shurat ha-din*."

A peasant in need of money to buy oxen, sold a parcel of land to R. Papa. Later, however, the seller found that he really did not need the money. Whereupon R. Papa, though

legally not obliged to do so, disclaimed title to the land, having acted in this case also *lifenim mi-shurat ha-din*.²¹

In *Baba Mezi'a* (30b) we find another interesting and somewhat humorous instance of the application of our *lifenim mi-shurat ha-din* principle. The case concerns Ishmael ben R. Jose who, while on the road, met a man carrying a bundle of wood. The latter, deciding to take a rest, removed the bundle from his shoulder and placed it on the road. As soon as he saw R. Ishmael, he asked him to help him lift the burden, even as the Torah prescribes in such an instance (Deut. 22.4 and Ex. 23.4-5). R. Ishmael, to whom a menial public performance of such a kind was disagreeable, asked the man for the price of the load. Half a *zuz*, was the answer. R. Ishmael paid the man the amount, and, in order to get rid of it, declared the load no-man's property (*hefker*). Hardly had the man heard the declaration, when he again seized the load of wood and again asked R. Ishmael to help him lift the burden. R. Ishmael again paid the price for the wood, but this time modified his previous declaration to the effect that it holds valid for everyone excepting for the said pestiferous fellow who again wanted to seize the load. The *Gemara* goes on to pose the question, why R. Ishmael did not rather avail himself of the ruling which excuses a respectable and learned man from engaging in an unsuitable menial act, and answers that R. Ishmael simply observed the principle of *lifenim mi-shurat ha-din*.

The ruling of the *Mishnah* (*Baba Mezi'a* 52a) in the matter of the time allowed for the redemption of a mutilated coin is that if the recipient of the coin in question is a city-dweller, he is allowed the customary time that it takes to see a money-changer, and if he is a country-dweller, until the next eve of Sabbath, when it is customary for the villagers to come to town to do their marketing for the Sabbath. But, the *Mishnah* continues, if the one who handed out the

bad coin recognizes it when it is shown to him by the recipient, he is obligated to redeem it even after an elapse of twelve months. And in the *Gemara* (ibid. 52b), R. Ḥisda reconciles this apparent contradiction in the *Mishnah* by explaining that the latter way is the *middat ḥasidut*. In other words, while in accordance with the strict interpretation of the law the one who passed along the bad coin is not obligated to redeem it after an elapse of a certain period—on the principle of *middat ḥasidut* or *lifnim mi-shurat ha-din* he is obligated to do so no matter how long a period had elapsed.

A similar application of this principle we find in the story of R. Ḥiyya, who was an expert on the value of coins. A woman asked him whether a *dinar* was genuine. Upon examining it, R. Ḥiyya told her that it was a good coin. The next day the woman came to him and complained that no one would accept the *dinar* for the reason that it was counterfeit. Then R. Ḥiyya said to Rab, "Give this woman a good *dinar*, and write it down in my account book as "bad business". But why, the *Gemara* asks, did R. Ḥiyya have to do so? Was not R. Ḥiyya an expert in such matters, and as such, in accordance with the law, not liable for an erroneous opinion?²² And the *Gemara* explains that legally R. Ḥiyya was not obligated to pay damages for his erroneous opinion, but he acted *lifnim mi-shurat ha-din*, as it is always customary for the *ḥasid* to do when the law works hardship on poor people.

In *Shabbat* (120a), we find R. Ḥisda (Babylonian Amora, died, 297, known with his companion, R. Huna, as 'the *Ḥasidim* of Babyon')²³ revealing the meaning of *middat ḥasidut*. The *Mishnah* after ruling that it is permissible in case of fire on the Sabbath to save, among other things, a basketful of loaves of bread, be it even enough for a hundred meals, also rules that one is at liberty to call in other people

to help themselves to whatever they can save from the fire. The *Mishnah* continues: "If they are shrewd (i.e., know their legal rights), then the owner must make settlement with them after the Sabbath". The *Gemara* asks: Why does the *Mishnah* say that if those who save for themselves know their legal rights in this matter, they will make a settlement with the owner after the Sabbath? Wherein does the idea of settlement apply here, seeing that they acquired the rescued property gratis, by virtue of the owner having made his endangered belongings public property when saying, 'Come ye and save for yourselves!?' Answers R. H̥isda: This is *middat ḥasidut*, i.e., they are legally entitled to the food which they saved, but *middat ḥasidut* constrains them to return this property to the unfortunate owner, and thus to refrain from taking advantage of a fellow man in distress. And Raba continues: Can they be called pious who accept remuneration for their labor on the Sabbath? Nay, answers Raba, the *Mishnah* does not refer to pious men (*ḥasidim*), only to God-fearing men (*yir'e Shamaim*)—evidently of a lower ethical standing than *ḥasidim*—who, while they would not take anything belonging to others, would not care to exert themselves gratuitously and therefore ask for remuneration for their trouble. The *ḥasid* of course in this instance will not only insist on returning to the owner the property he rescued from the fire, but will also refuse to accept remuneration for his generous efforts.

Middat ḥasidut we find again urged by R. H̥isda in the following instance: The ruling of the Rabbis, against that of R. Eleazar (M. Peah, V. 4), is that a householder who finds himself short of funds while travelling is permitted to take advantage of the Poor Man's Portion,²⁴ he coming then, temporarily, under the classification of the poor man, and that when he returns home he is not obligated to return to the poor of his own town what he had taken elsewhere.

Middat ḥasidut, however, in accordance with R. Ḥisda's admonition, dictates that he must so return that which he had taken from the Poor's Portion of some other town to the poor of his own town.²⁵

In *Berakot* (45b) we find our principle applied also to what we should call manners. Here we are informed that, according to Raba, the ruling is that when three eat together, one is obliged to stop his meal and join the other two who have done with their meal and want to say the after-meal grace in the prescribed manner;²⁶ after grace is said he may finish his meal. Two, however, are not obliged to similarly stop their meal for the one. The *Gemara*, however, disputes this ruling: Have not R. Papa and one other stopped their meal for Abba Mar, R. Papa's son? And the *Gemara* answers, that in the case of R. Papa it is different, as R. Papa acted *lifnim mi-shurat ha-din*.

The ideal of *middat ḥasidut* may also be included as part of our above discussed ideal of *Imitatio Dei*, for man is admonished to practise this important ethical principle in imitation of God Himself, who, in the conception of the Rabbis, acts in His relations with man also in accordance with this principle. In fact, this is one of God's attributes. R. Huna interprets Ps. 145.17 ('The Lord is just in all His ways, and saintly [*ḥasid*] in all His deeds') as follows: "At the beginning He is just (*ẓaddiq*) but at the end He deals with the world like a *Ḥasid*, on the principle of mercy, i.e., *lifnim mi-shurat ha-din*, for the world, owing to man's frailty, could not exist by the strict enforcement of the law."²⁷

The same idea is contained in the beautiful prayer supposedly uttered by God, and attributed by R. Zuṭra b. Ṭubiah to Rab: "May it be My will that My mercy overcome Mine anger; and may My compassion rule over My attributes (of Justice), that I may deal with My children in accordance

with the attributes of mercy; and out of regard to them may I act *lifnim mi-shurat ha-din*.”²⁸

It is impossible to leave the subject of *middat ḥasidut* without alluding to Maimonides’ celebrated attempt to apply to Jewish ethics the famous Aristotelian doctrine of ‘the Mean’,²⁹ which Aristotle set forth in his *Nichomachean Ethics*,³⁰ and which Maimonides, following to a great extent his Master here as in his metaphysics, developed in his famous psychologic treatise dealing with the health and sickness of the soul and with the means of transforming the soul’s sickness into health—the *Shemonah Peraḳim* (Eight Chapters). This treatise, reference to which was made in an earlier chapter, was justly called by Yellin and Abrahams “the most remarkable instance in medieval literature of a syncretism between Hebraism and Hellenism”.

We find Maimonides’ development of this Aristotelian doctrine in Chapter IV, the weightiest of the eight chapters of this treatise, entitled “Concerning the Cure of the Diseases of the Soul”, and, later, in his *Yad*.³¹

Aristotle’s doctrine of the Mean is of course the name for the old and characteristically Greek idea of *Mesóstēs*: Measure, Order, Proportion, which found expression in all phases of Greek thought—in religion, science and art, as well as in Greek ethics. The motto of the Delphic oracle was, ‘Nothing in Excess’ (*Mēdēn Agan*). This idea of Measure is embodied in Plato’s conception of Justice, in the Stoic maxim of ‘life according to Nature’, as it is in Aristotle’s doctrine of the Mean.

The virtuous soul, according to Greek thought, is symmetrical, graceful, virtuous. Virtue is harmony, beauty in action. Virtuous conduct is a balance. Aristotle terms it ‘the Mean’. The evil, therefore, is excess and deficiency, for they lie at the two extremes. In Aristotle the phrase is, as Dewey and Tufts remark, somewhat ambiguous, for some

passages would seem to indicate that it is merely striking an average between two kinds of excesses and finding, as it were, a moderate amount of feeling or action. But, as our authors continue, "there is evidently here just the old thought of measure, and 'the mean is what right reason prescribes'. It is not every one who can find the mean, but only he who has the requisite knowledge. The supreme excellence of virtue is, therefore, the wisdom which can find the true standard for action."³²

But this doctrine of the Mean, as Yellin and Abrahams explain in their summation of Grant's conclusion on this subject (*The Ethics of Aristotle*, Vol. I, pp. 251-262), "fails to explain *the relation of the will to morals* (*italics ours*). It offers no explanation of the 'impulse to truth—the duty of not deceiving'. Nor can it be said that the peculiarly Hebraic virtues, unrecognized as such by Hellenism—humility, charity, forgiveness of injuries—are explicable by the theory of the Mean. In the *Jewish Wisdom of Solomon* the idea of beauty is applied to wisdom, but no Jewish moralist could be content with beauty as a full theory of ethics. If, continues Grant, we ask whether these peculiarly Hebraic (Grant calls them Christian) qualities are mean states, 'we find that they are all beautiful; and, in so far as that, they all exhibit a certain grace and balance of the human feelings . . . But there seems in them something which is also their chief characteristic and which is beyond and different from this quality of the Mean. Perhaps this might be expressed in all of them as 'self-abnegation'. Now here we get a different point of view from which to regard the virtues and that is the relation of Self, of the individual Will of the moral Subject, to the objective in the sphere of action. This point Aristotle's principle does not touch. *Mesóstēs* expresses the objective law of beauty in action and as correlative with it the critical moral faculty in our minds, but the law of right

in action as *something binding on the moral subject* it leaves unexplained . . . *Mesóstēs* expresses the beauty of good acts, but leaves something in the goodness of them unexpressed!' ”³³

Now, if we accept *middat ḥasidut* or the *lifnim mi-shurat ha-din* principle as the characteristic and highest expression of Jewish ethics, as Jewish tradition has thus unquestionably accepted it, a principle, by the way, which unmistakably and emphatically contains that 'something': that binding sense of duty which is absent from Aristotle's doctrine of the 'Mean',—we must come to the conclusion that Maimonides' attempt to fit Jewish ethics into the procrustean bed of Aristotle's celebrated doctrine of the Mean was not a very successful one. However, let us remember that, as Gorfinkle points out,³⁴ Maimonides himself departs at times, even as Aristotle himself did, from strict adherence to the doctrine of the Mean.

In his *Shemonah Peraḳim* (Chap. IV) Maimonides does admit that "the *Ḥasidim* (saintly ones) were not accustomed to cause their dispositions to maintain an exact balance between the two extremes". However, the reason for their so doing, Maimonides continues to explain, was "by way of caution and restraint, now to the side of exaggeration, and now to that of deficiency. Thus, for instance, abstinence would incline to some degree towards excessive denial of all pleasures; valor would approach somewhat towards temerity; generosity to lavishness; modesty to extreme humility, and so forth; that is what the Rabbis hinted at in their saying, 'Do more than the strict letter of the law demands'." In his *Yad* (H. De'ot. I, 5) Maimonides again admits the practice of the *ḥasidim* of deviating from the Mean, and draws the distinction there between the wise man (*ḥakam*) and the saint (*ḥasid*), implying, there, however, that the practice of of the *ḥasid* is praiseworthy, though he considers it wise for the majority of mankind to choose the middle path (*derek ha-emza'it*): "One who is very strict with himself and de-

viates from the path of the Mean, a little one way or a little the other way, is called *hasid* . . . One who keeps at a distance from the extreme of arrogance and moves toward the extreme of self-abasement is called *hasid*; this is *middat hasidut*. One, however, who keeps close to the path of the Mean and is a man of meekness is called a wise man, and this is *middat hokmah* (the path of wisdom) . . . The Early *Hasidim* diverged their practices from the middle path between the two extremes . . . and this is *lifenim mi-shurat ha-din* (more than the strict letter of the law demands). As for us, we are charged to walk in these middle paths, which are the good and stright paths, as it is said: 'And thou shalt walk in His ways' (Deut. 28.9)."

Maimonides' departure from his adherence to the doctrine of the Mean is particularly evident in his treatment of pride and anger. To be sure, in his *Shemonah Peraḳim* (Chap. IV), Maimonides does accept the Aristotelian view which considers the medium course the virtue. Pride is the one extreme, self-abasement, the other, and humility, the Mean, is the virtue. Anger is the excess, insensibility to shame and disgrace, the deficiency, and mildness, the Mean, is the virtue. So in *H. De'ot* (I, 4), in respect to anger, the medium course (*benoni*) is called the virtue. However, in *H. De'ot*, II, 3, as well as in his Commentary on *Abot* (IV, 4), Maimonides holds that excessive humility and complete absence of anger are the virtues, and not the medium course: "There are, however, some dispositions in regard to which it is wrong to pursue a middle course, but the contrary extreme is to be embraced, as, for instance, in respect to pride. One does not follow the proper path by merely being humble. Men should be very humble and extremely meek. To this end, Scripture says of Moses our Master, that he was 'very humble' (Num. 12.3), and not that he was simply humble. Therefore the sages' command is 'Be thou very humble' (*Abot*

IV, 4), and they say, furthermore, that all who are proud-hearted deny an important principle of our Faith, for Scripture says, 'Thy heart will become uplifted, and thou wilt forget the Lord thy God' (Deut. 8.14); and they also say, 'He who is presumptuous even to a slight degree deserves excommunication' (Sotah 5a). In like manner, anger is a very bad trait; one should go to the opposite extreme and school himself to be without wrath, even as regards a matter at which it might seem proper to show anger. The Rabbis of old said, 'Whoever allows himself to be carried away by his wrath is like a worshipper of idols' (cf. Nedarim 22b)³⁵ . . . Therefore, they recommend total absence of anger, so that a man may train himself never to feel it, even at those things which naturally provoke one to wrath. The proper course to pursue, and the way of the righteous is that they are insulted, but do not insult; they hear themselves reviled, and answer not; they do good from pure motives of love; they rejoice amidst their suffering, and of them it is said, (Judges 5.31) 'But they that love Him be as the sun when he goeth forth in his might'."³⁶

Lazarus has some very strong words in criticism of Maimonides' reading of the Aristotelian doctrine of the Mean into Jewish ethics. Lazarus writes: "It is astonishing that Maimonides should have failed to note the infinite divergence between the Aristotelian and the Jewish moral doctrine so completely as to intermingle the two. . . What, we ask, has the cycle of Aristotelian virtues gracefully disporting themselves upon the path of the golden mean—virtues that, for the most part, are no positive virtues, only the mean between two vices; virtues regulating the decorous behavior of the educated, well-to-do Athenian; virtues utterly removed from the serious moral obligation which is of the essence of the Jewish spirit; virtues the lack of which indicates naught of abysmal guilt; the possession of which, naught of the heavenly

heights of moral purity before God—what have these comely, amiable virtues to do with the unutterably sublime idea of divine morality? If this collection of ideas is not blasphemy—and of blasphemy Maimonides certainly was never guilty—then it shows absence of critical thought; it is thoughtlessness begot of the currency of Aristotelian concepts and the veneration for them”.³⁷

As against this strong indictment of Maimonides’ championing of the Aristotelian Mean as the supreme *Middah* of Jewish ethics, we may profitably quote the remarks on this subject of Yellin and Abrahams, which not only mitigate Lazarus’ harsh words in criticism of Maimonides on this subject, but also bring us nearer the truth on this matter.

Immediately after our authors’ summary and quotation of Grant’s criticism of Aristotle’s doctrine of the Mean which we quoted above, Yellin and Abrahams write: “This criticism, however, does not apply to Maimonides, however effective it be against Aristotle. Maimonides, it is true, describes all virtues as mean states, but his list of virtues is derived not from his metaphysics but from Scripture. Scripture is the ultimate source of well-doing; it is to the Scriptural virtues that Maimonides applies the doctrine of the *Mesósthēs*, not as explaining their intent but as defining and limiting their content (underscore ours). Critics of Aristotle are inclined to forget that the doctrine of the Mean is at all events an instrument for the analysis of moral concepts, and that such an analysis has real ethical value. It cannot be doubted that to Judaism, at all events, this analysis was salutary and needful. In Maimonides’ hands the law of the Mean becomes a valuable ethical corrective; he uses it in behalf of a sane piety, and urges the avoidance of those excesses of pietism which tend to convert virtue into a disease. It is no pallid, colorless character that Maimonides conceives as the ideal. His is a strenuous standard, but it is righteousness, not over-

righteousness that he preaches. Yet disease may need poison to remedy it. So, he explains, the cure of a spiritual deficiency may consist in a spiritual excess, and for a great moral reformation it may be imperative to pass from extreme evil to extreme good, so that finally the Mean may be recovered and firmly held. The Greek law of beauty would require, as its correlative, a law of necessary deformity. Morality is not so much harmony as adjustment."³⁸

And that in Maimonides' hands the Aristotelian law of the Mean did become a valuable corrective, an effective appeal toward a sane piety and the avoidance of those excesses of pietism which tend to convert virtue into a disease, is writ large in the *Shemonah Peraḳim*, especially in Chapter IV, where he sounds the traditionally sober Jewish note against ascetic excesses. Here Maimonides apologetically admits that the pious ones (the *Hasidim*) did deviate to extremes in their praying, fasting, sexual life, etc., but "they did so partly as a means of restoring the health of their souls . . . When the ignorant observed saintly men acting thus, not knowing their motives, they considered their deeds of themselves virtuous, and so, blindly imitating their acts, thinking thereby to become like them, chastised their bodies with all kinds of affliction, imagining that they had acquired perfection and moral worth, and that by this means man would approach nearer to God, as if He hated the human body, and desired its destruction. It never dawned upon them, however, that these actions were bad and resulted in moral imperfection of the soul . . . The perfect Law which leads to perfection . . . recommends none of these things (such as self-torture, flight from society, etc.). On the contrary it aims at man's following the path of moderation, in accordance with the dictates of nature, eating, drinking, enjoying legitimate sexual intercourse, all in moderation, and living among people in honesty and uprightness, but not dwelling in the wilderness or in the

mountains, or clothing themselves in garments of hair and wool, or afflicting the body. The Law even warns us against these practices, if we interpret it according to what tradition tells us is the meaning of the passage concerning the Nazarite, 'And he (the priest) shall make an atonement for him because he hath sinned against the soul' (Num. 6.11). The Rabbis ask, 'Against what soul has he sinned?—Against his own soul, because he has deprived himself of wine'. Is this not then a conclusion *a minori ad majus*? If one who deprives himself merely of wine must bring an atonement, how much more incumbent is it upon one who denies himself every enjoyment' (Nazir 19a, 22a, and elsewhere)."

It is interesting, in view of what has been said of the *hasid*—the ideal man of Jewish tradition—to look at him in the light of the ideal man of Greek ethics, as he is characterized, for instance, by Aristotle. The mark of the self-contained and aloof aristocrat stands out unmistakably in the following characterization of the Greek gentleman as given by Dewey and Tufts³⁹ in their summation of Aristotle's characterization of him in his *Ethics* (IV, VI, VIII): ". . . the quality of highmindedness . . . may be taken as embodying the trait most prized in an Athenian gentleman. The high-minded man claims much and deserves much; lofty in his standard of honor and excellence he accepts tributes from good men as his just desert, but despises honor from ordinary men or on trivial grounds; good and evil fortune are alike of relatively small importance. He neither seeks nor fears danger; he is ready to confer favors and forget injuries, slow to ask favors or cry for help; fearless in his love and hatred, in his truth and his independence of conduct; 'not easily moved to admiration, for nothing is great to him. He loves to possess beautiful things that bring no profit, rather than useful things that pay; for this is the characteristic of the man whose resources are in himself. Further, the character

of the high-minded man seems to require that his gait should be slow, his voice deep, his speech measured; for a man is not likely to be in a hurry when there are few things in which he is deeply interested, nor excited when he holds nothing to be of very great importance; and these are the causes of a high voice and rapid movements'."

In the later addition to *Pirḳè Abot* (Chapter VI), called sometimes *Baraita of R. Meir*, or, more generally, *Perek Kinyan Torah* (the Chapter on the Acquisition of the Law), which enumerates the forty-eight qualities necessary for the proper acquisition of Torah, we find an excellent characterization of the ideal Jewish Gentleman or *Hasid*. In contradistinction to the Greek aristocratically aloof and disdainful attitude toward life and people, one notes here the sublimely humble attitude toward life and that humble and intimate contact with the lowliest of God's children characteristic of the true, religiously inspired democrat. Thus, then, is Torah acquired—thus, in other words, one becomes a *hasid*—" . . . by understanding and discernment of the heart; by awe, reverence, meekness, cheerfulness; by ministering to the sages, by attaching oneself to colleagues, by discussion with disciples, by sedateness; . . . by moderation in business, in intercourse with the world, in pleasure, in sleep, in conversation, in laughter; by long-suffering; by a good heart; by faith in the wise; by resignation under chastisement; by knowing one's place, rejoicing in one's portion, putting a fence to one's words, claiming no merit for one's self; by being beloved, loving the All-Present, loving mankind, loving just courses, rectitude and reproof; by keeping oneself far from honor, nor boasting of one's learning, or delighting in giving decisions; by bearing the yoke with one's fellow, judging him favorably, and leading him to truth and peace; by being composed in one's study; by asking and answering, hearing and adding thereto (by one's own re-

flection); by learning with the object of teaching, and by learning with the object of practising; by making one's master wiser, fixing attention upon his discourse, and reporting a thing in the name of him who said it" (VI, 6).

In continuing our exploration of the scope of the Jewish idea of duty, we may now proceed with an examination of some other phases thereof that illustrate its spiritual depth, or what we may call its *inner* scope.

In our discussion of Maimonides' acceptance of the Aristotelian Mean as the ideal virtue of Jewish ethics, the point was made, in criticism of this doctrine, that it lacks that *morally binding something*, that commanding, inwardly-driving force which usually takes no cognizance at all of the Mean, and which we call the *sense of duty*. That this morally binding and compelling sense of duty behind the moral law is paramount, nay, fundamental in Jewish ethics, has already, we believe, become evident in our discussions thus far of the various phases of duty, and in particular in our discussion of *Middat Hasidut*. But this important elemental quality lying at the base of Jewish ethics may also be profitably illustrated from some other angles, an exploration of which will further enlighten us on the *inner* scope of the Jewish idea of duty.

Let us refer, firstly, to the so-called prophetic Call, which so eloquently illustrates the remorseless driving power of the sense of duty in the Jewish—at least in the Jewish prophetic—soul. One recalls here the famous statement of Amos (3.8), "The lion hath roared, who will not fear? The Lord God hath spoken, who can but prophesy?"

The meaning is obvious enough: there is no evading the call of duty. Even as the boldest will involuntarily tremble when hearing the roar of the lion, even so the man to whom the word of God has come, must perforce prophesy. Even more striking do we find this fact illustrated in Jeremiah

(20.7-9), where the prophet, as it were, reproaches God for having actually overwhelmed him with the call to become a prophet and prevailed upon him to pursue relentlessly his prophetic activity, with the result that he became a man of sorrows and ridicule. How inescapable indeed his Call proved to be to Jeremiah!—"And if I say: 'I will not make mention of Him, nor speak anymore in His name, then there is in my heart as it were a burning fire shut up in my bones, and I weary myself to hold it in, but cannot.'"

Again, in Isaiah's famous poetic description of his Call (Chapter 6), we discover another significant aspect of the Jewish sense of duty—the *sense of sinfulness* awakened in him by his vision of the supreme holiness and righteousness of God. In the words of Duff: "he feels uncleanness in the very organs and centre of his life; and then he begins to reflect upon the perversity of inner nature that is heavy and dull and hard to arouse to sight of good and duty."⁴⁰ "Then said I", Isaiah exclaims, "woe is me! for I am undone; because I am a man of unclean lips, and I dwell in the midst of a people of unclean lips; for mine eyes have seen the King, the Lord of hosts" (6.5). And this vision of the thrice holy God compels him to become in duty bound to go forth—prepared even for the supreme sacrifice—to call his people to social righteousness and purity of life.

This, by the way, is the Biblical Jewish Superman, even as the *Hasid* is the Rabbinic Jewish Superman—the Prophet—the God-inspired man, possessed of an implacable social conscience, whose sense of duty compels him to seek salvation, not of his own self but of others, of his entire community, nay, of mankind. Indeed, not of a small segment of mankind—not only of the small group of so-called Supermen—but of all, including the least of them:—the weak, the poor and the dispossessed. The Prophet represents our present-day idea of *Noblesse Oblige* in the fullest and

highest sense of the term. His spiritual nobility makes him desperately obligated to forget himself—his own personal comfort and security—and, at the cost of the highest self-sacrifice, to devote his life to the task of bringing succor and justice to all the persecuted and disfranchised of mankind.

This driving urge to exhort, to reform, to morally uplift, not only himself but others—his entire people—is strikingly seen in the utterances of the prophet Ezekiel—the first Hebrew prophet who made the ‘cure of souls’ his great burden. Ezekiel considers it as his bounden duty, and, by implication, as the duty of every leader of Israel, to be a watchman for his fellow-Israelites.⁴¹ Ezekiel, indeed, expects to be called to account by God, should he fail to discharge his duties as such to his people (3.16-21; 33.1-9). The God who is Goodness and Mercy does not desire that any of the Prophet’s fellow Israelites should perish because of his sins (18.23, 32). Ezekiel therefore considers it his duty, as a watchman of his people’s welfare, to so counsel and admonish them so as to save them from perishing because of their moral blindness: “Son of man, I have appointed thee a watchman unto the house of Israel; and when thou shalt hear a word at my mouth, thou shalt give them warning from Me. When I say unto the wicked, Thou shalt surely die; and thou givest him not warning nor speakest to warn the wicked from the wicked way, to save his life; the same wicked man shall die in his iniquity, but his blood will I require at thy hand” (3.17-18).

Here we have again expressed the doctrine of *noblesse oblige*. It is the duty of the leader, the one who is especially endowed with superior spiritual qualities of mind and soul, to bring the spiritual light and vision to which he has attained, to his fellowmen. The Rabbis took this doctrine just as seriously, and we find this exalted idea expressed by them in many ways. We have already seen this very graphically

expressed in the activities and teachings of the *hasid*. The *hasid* feels himself obligated to conduct his actions on the *noblesse oblige* principle of '*lifnim mi-shurat ha-din*'. We have this truth further stressed by the Rabbis in their well-known expression, with reference to Ps. 50.3:⁴² "The Holy One, blessed be He, deals with the pious (lit., with 'those around Him') *strictly*, to a hair's breadth."⁴³ Which doctrine follows closely the *noblesse oblige* principle applied to Israel as a people which was laid down long ago by the prophet Amos: "You only have I known of all the families of the earth, *therefore* will I visit upon you all your iniquities" (Amos 3.2). The Rabbis again express this special responsibility on the part of the leaders of the people, in R. Judah ben Ila'i's homiletic interpretation of Isa. 58.1: "'Show my people their transgressions'—these are the scholars whose unwitting faults are for them made equivalent to presumptuous sins."⁴⁴

Nay, this duty of responsibility for others is not only that of Israel's spiritual nobility—of the leaders of Israel—but is no less that of every Israelite. This is evident in the well-known Rabbinic doctrine: *Kol yisra'el 'arebin zeh ba-zeh*: "All Israelites are responsible for one another."⁴⁵

The ancient idea of group solidarity, exemplified in the Biblical story of Achan's sin (Jos. VII), according to which the entire group was put in jeopardy as the result of the commission of a sin by one individual of the group, inasmuch as it regarded the group as an inseparable—almost physical—unit and the individuals comprising it as having in fact no individual existence apart from the group—this ancient idea, we note here, was fortunately for Israel's ethics and national life not entirely given up in Israel, despite its later theological amplification by the newer idea of individual responsibility for one's own sins, developed by Jeremiah and Ezekiel. Fortunately, we say, for this ancient and superstitious idea

as it was ethicized by the Prophets of Israel into the ethical idea of social responsibility on the part of the individual to his group or nation bore many social blessings. The Prophets in their day turned the kernel of this idea into great social advantage. For the Prophets it served as a potent weapon in their holy battle for social justice. The powerful and unscrupulous individual, through his oppression and robbery of the weak and the poor of his people, so the Prophets categorically declared in their immortal social messages, was involving the whole nation in most grievous sin and in the consequent punishment therefor at the hands of the exacting God of Justice who brooks no injustice and oppression. These men of power and wealth had better take counsel with their conscience! They had better realize, before it is too late, their inescapable social duties! They had better repent before their God by deeds of justice and love to the victims of their oppression, if they desire to stay the doom of the whole nation, prepared by the wrath of the God of Justice, in which they will perforce find their own doom as well! In their day, then, this ancient idea, as it was thus ethically and gloriously transformed by the Prophets, did yeomanly service in the cause of social justice. And in a later day, this ancient idea, thus ethicized by the Prophets, with its ancient and potent emphasis on the spiritual health of the whole social organism or the nation, helped to keep Israel aloof from the extremity of Asceticism, to which other groups succumbed, and made Israel disown that spiritual individualism, tantamount to spiritual egoism, which made countless men and women escape social life and its responsibilities in order to attempt to insure their individual salvation in their ascetic solitude.

Our old idea appears to good ethical advantage even in Talmudic times. Thus a *Baraita* is quoted to the effect that R. Simeon, in commenting on Lev. 20.5 ('Then I will set

My face against this man and against his family'), teaches: "If he has sinned, what has his family done?—This is meant to teach thee that a family that harbors a thief in its midst, the entire family, which attempts to protect him, is regarded as a family of robbers". The reason for this severe indictment is again explained thus: "They could have prevented the sin by protesting, but they failed to do so."⁴⁶

We find also that the old prophetic sense of duty, which compelled the Biblical seers to exhort, to reform, was just as strong with the Rabbis. In *Shabbat* (54b, 55a), Rab, R. Ḥanina, R. Joḥanan (or, perhaps, R. Jonathan) and R. Ḥabiba teach as follows: "He who has the power to protest (against wrong) in his household and fails to do so, will be seized (held responsible) for (the sin of) every one of his household; (he who has the power to protest) with the people of his city (and fails to do so) will be held accountable for the sins of the people of his city; (similarly) with the whole world, he will be seized for the sins of the whole world". And R. Papa contributes here in the same spirit: "And the Princes of the Exile will be seized for the sins of all Israel, even as R. Ḥanina said: What is the meaning of the passage, (Isa. 3.14) 'The Lord will enter into judgment with the elders of His people and their princes'?—If the princes sinned, what fault have the elders in it?—Because the elders did not protest against the princes".

The duty of reproof of one's neighbor we find already in the Pentateuchal law, where, however, it is significantly surrounded, as Moore observes,⁴⁷ with solemn exhortations of loving one's neighbor, thus implying that one's dutiful reproof must be an expression not of malice, but of interest in and love of one's neighbor. The passage of the Law (Lev. 10.17-18), where the duty of reproof is stated, reads: "Thou shalt not hate thy brother in thy heart. Thou shalt not fail to reprove thy fellow and not bear sin because of him. Thou

shalt not take revenge, nor nurse a grudge against the members of thy people, but shalt love thy neighbor as thyself" (cf. Amos 5.10). The Rabbis, in conformity with the spirit of the Law, also insist that the administering of reproof must be exercised with due restraint and out of love, even as R. Akiba was wont to administer reproof.⁴⁸ This is emphasized in the statement of one Rabbi that in his generation there was no one able to reprove his fellows as Moses did (Deut. 1);⁴⁹ and of another Rabbi (R. Tarfon), that there was no one who was able to accept reproof,⁵⁰ and of a third Rabbi (R. Eleazar b. Azariah), that there was no one who knew how to administer reproof.⁵¹ However, allowing for the proper motive of love that must animate it, the reproof of one's fellow, in the opinion of the Rabbis, is an inescapable duty.

The duty of reproof must be carried out persistently. Thus we read in *Baba Mezi'a* (31a): "A scholar said to Raba: Shall we say, concerning the verse, Lev. 19.17 (literally, 'Rebuke, thou shalt rebuke thy fellow'), that 'Rebuke' means to rebuke once and 'thou shalt rebuke', to rebuke twice? Said Raba to him: 'Rebuke' means even a hundred times, and 'thou shalt rebuke' means that it is not only the duty of the master to rebuke his pupil (when he finds him acting improperly), but it is even the duty of the pupil to rebuke his master (in a similar circumstance)." In fact, we are told that a man is bound to persist in his admonitions until the offender violently repulses him and positively refuses to hear him. This persistency in reproof must stop short only of putting his fellow to shame, for the law says: (Lev. 19.17) "And not take upon thyself sin on his account".⁵²

In the Rabbis' homiletical comments on Israel's acceptance of the Covenant or the Law we may observe again the categorical role that duty played in the Jewish mind. As is well known, the Pentateuchal law starts off Israel's career as a nation with the duty-laden Sinaitic covenant. Israel is

enjoined by God: "Ye shall be unto Me a kingdom of priests and a holy nation" (Ex. 19.6), and Israel forthwith and unhesitatingly accepts the challenge as an irrevocable and solemn national duty, with the celebrated words, "All that Yhwh hath spoken we will do". In a celebrated Talmudic passage⁵³ one Rabbi picturesquely emphasizes the idea that it was no less than a moral compulsion—an inescapable duty—on the part of Israel to accept the Law which God offered to them: "‘they stood at the foot of the mountain’ (Ex. 19.17).—‘We learn from this passage’, said R. Dimi bar Ḥasa, that the Holy One, blessed be He, arched the mountain over them like a tank, and said to them: ‘If you accept the Torah, then it is well, but if not, there shall be your graves!’" R. Aḥa b. Jacob even sees in this statement a criticism of Israel for apparently having to be forced to accept the Torah. And to this, Raba comments that "at the time of Ahasuerus, however, Israel accepted it (the Torah) voluntarily, for it is written, (Esth. 9.27) ‘The Jews confirmed it as a duty, and took upon themselves’, i.e., they confirmed (the Torah) which they accepted long ago."

Not only is Israel's life unthinkable and valueless without the Torah but the existence and stability of the whole universe is unthinkable without it, according to Resh Lakish. Commenting on Gen. 1.31 ('And it was evening and it was morning the sixth day' (*yom ha-shishi*), Resh Lakish asks why the article '*ha*' (the) in the word *ha-shishi* (the sixth)—seeing that at each of the first five days it is written *day* without the article: "We infer from this, that the Holy One, blessed be He, made a condition with Creation, and said unto it, 'If Israel will accept the Torah, ye shall endure, but if they do not, I shall return you to utter emptiness and void.'"⁵⁴ The same idea is expressed by R. Eliezer ben Hyrcanus, basing it on a Midrashic interpretation of Jeremiah 33.25: "Great is the Torah, for if it were not for the Torah,

heaven and earth could not continue to exist, as it is said, (ibid.) 'Had My covenant not been by day and night, I should not have appointed the heaven and earth.'"⁵⁵

Very interesting in this connection is the Talmudic passage which tells of the derisive remark made by a heretic, who noticed that Raba was studying the Torah with such eager attention that he held his finger between his knees and rubbed it so hard that blood spurted from it. The heretic said to Raba: "Rash people! whose mouths preceded your ears. You still persist in your zeal! Better had you listened first, to learn whether you could or could not accept it." Raba thereupon said: "We who are upright men trust Him, as it is written, (Prov. 11.3) 'The integrity of the upright guideth them.'"⁵⁶ Israel is thus ridiculed for its great eagerness to voluntarily impose upon itself the yoke of the duties of the Torah. That the Rabbis, however, were very proud of this overzealousness of Israel in accepting the Torah before realizing its difficult duties we note from the remark of R. Simai, that "at the time when Israel, in their eagerness, first said, 'We will do', and then, 'We will hear' (Ex. 24.7), there came down sixty myriads of ministering angels and crowned each and every Israelite with two crowns, one for 'We will do' and one for 'We will hear.'"⁵⁷ This indeed, according to this Rabbi, is Israel's glory, of which Israel can only prove itself undeserving when it fails to live up to the duties of the Torah which it had so zealously undertaken. Thus R. Simai continues: "But later, when Israel sinned there came down twenty myriads of angels of destruction, and took the crowns off their heads, as it is said, (Ex. 33.6) 'And the children of Israel stripped themselves of their ornaments at Mt. Horeb.'"⁵⁸ Similarly does R. Eleazar express himself with great satisfaction over Israel's over-eagerness in its acceptance of the law: "At the time when Israel in their eagerness exclaimed, 'We will do', *before* 'We will hear', a heavenly voice went forth and said, 'Who

revealed unto my sons this mystery which only the ministering angels are practising?', as it is written, (Ps. 103.20) 'Bless the Lord, ye his angels; mighty in strength, that *execute* His word, *hearkening* unto the voice of His word'; i.e., first to execute, then to hearken."⁵⁷

The practice, above referred to, of framing the ethical exhortations in legal or statutory form, which, as was above remarked, was very likely initiated by the authors of the Deuteronomic Code, and was later followed by the Holiness and Priestly Codes, may also be mentioned as illustrating the categorical and imperative character of the Jewish sense of duty. The object of the Deuteronomist, which also animated his successors, in putting the moral exhortations of love, sympathy and helpfulness to the poor, the weak, crippled and the *ger* (in this period, a resident alien), in statutory form was, as was above stated, the high-minded and superbly pedagogic one of giving these moral teachings the compelling authority of divine law. Their sublime purpose, in the words of Smith, was "to bring the whole force of the law to their enforcement."⁵⁸ Since no legal or human punishment obtained, or could obtain, for their infraction, the best the Deuteronomic lawgiver could do toward their enforcement, with which he was so passionately concerned, was to give to his *Mizwot* at least the *semblance* of divine law—the divine statutory form. Through this statutory structure, which he gave to his moral pleadings, he said to his people in effect: These moral exhortations are God's *commands*—God's *laws*! Though no human punishment obtains or can be prescribed for their infraction, it behooves you to know that by disobeying them, you will be disobeying God's own divine laws, and you will therefore provoke the displeasure of God, who will in His own good time and way punish you therefor. On the other hand, if you will obey these moral commands, your actions will be pleasing to God, and He will reward you therefor

with His many blessings: "If there be with thee a poor man, one of thy brethren within any of thy gates in thy land which Yhwh thy God giveth thee, thou shalt not harden thy heart, nor shut thy hand from thy poor brother; but thou shalt surely open thy hand unto him, and shalt surely lend him sufficient for his need in that which he wanteth. Beware that there be not a base thought in thy heart, saying, The seventh year, the year of release, is at hand; and thy eye be evil against thy poor brother and thou give him nought; and he cry unto Yhwh against thee, and it be sin unto thee. Thou shalt surely give him, and thy heart shall not be grieved when thou givest unto him; because that for this thing Yhwh thy God will bless thee in all thy work and in all that thou puttest thy hand unto. For the poor will never cease out of the land; therefore I *command* thee, saying, Thou shalt surely open thy hand unto thy brother, to thy needy, and to thy poor in thy land" (Deut. 15.7-11; cf. ib. 14.29). Even more emphatic is the statutory form of the moral exhortations in the Holiness Code, which, incidentally, does not find it necessary any longer to stress the reward element as much as Deuteronomy. It finds it sufficient to laconically close its moral exhortations with but the cryptic and meaningful statement, 'I am Yhwh', or, 'I am Yhwh thy God', or, 'Thou shalt fear (i.e., properly worship) thy God, I am Yhwh': "Thou shalt not take vengeance, nor bear any grudge against the children of thy people; but thou shalt love thy neighbor as thyself; I am Yhwh" (Lev. 19.18); "Thou shalt not curse the deaf, nor put a stumbling block before the blind, but thou shalt fear thy God; I am Yhwh".⁵⁹

The Rabbis' profound comment on these significant phrases is well known, namely, that "wherever something is left to the heart, or conscience (*kol ha-dabar ha-masur la-leb*), Scripture says of it, 'And thou shalt fear (or revere) the Lord thy God.'"⁶⁰ And in this felicitous phrase of theirs,

the Rabbis refer of course to those moral precepts of the Law for the transgression of which there is prescribed no legal punishment.

Here, by the way, we find the so-much derided Jewish legalism playing a most moral role. Here we have the Biblical lawgiver using the law, or the form of the law, as an aid to, nay, as an enforcer of, morality—as a moral pedagogue. In the '*lifenim mi-shurat ha-din*' principle, on the other hand, the reader will recall, the Rabbis—those incurable legalists—made use of morality or the moral principle in order to moralize the law or the letter of the law. When looking, then, at the Jewish law—Biblical and Talmudic—from these distinctly moral angles at least, do not the well-known rabid, antinomian strictures of St. Paul appear baseless indeed?

Be this as it may, in the statutory form of the moral law we have another excellent example from very early times illustrating the categorical, the absolute character of moral duty in Judaism. The moral law, as the expression of man's sense of duty, has in Judaism the binding mandatoriness of law. It *is* law.

In further illustration of this character of duty in Judaism, we may mention the very term *Torah* itself, standing for Israel's Divine Revelation, Israel's Religion, Israel's Law. We have, in our first chapter, dwelt upon the several meanings of the term *torah*, namely, judicial law, ritual direction, and ethical doctrine. But despite these many and rich meanings historically represented in the term *torah*, it nevertheless retains in all its phases the mandatory, obligatory character of duty, which is best represented by the term *law*. The Torah or the Jewish religion contains all the divine-sanctioned duties for the whole of man's life, which are not discretionary but obligatory—which are law. Man has no other choice but to obey them,—it is God's Law and man's *law*. Great blessings are promised—material, spiritual, bliss in the World to Come

—by the succession of prophets, lawgivers and Rabbis for obedience to the Law, but be these promised rewards what they may, be any or all of these combined, considered as satisfactory or insufficient, be these certain or uncertain, visible or invisible, credible or incredible,—the Law remains *law* nevertheless. It remains an inescapable *duty* to understand and to perform it, even to the extent of *Kiddush ha-Shem*—of martyrdom.

As another illustration of the inner scope of the Jewish idea of duty, we may call attention very briefly to the element of sin, forever lurking in the background of the Jewish sense of duty. The nature of the sin, however, which we have in mind is not that later and non-Jewish idea thereof that is supposed to derive from man's alleged innate depravity, but rather that sense of sin which results from the profound realization of Jewish prophet, psalmist, sage and Rabbi of the immeasurable distance between the holiness and righteousness of God and of, at best, the very imperfect righteousness of the most virtuous of men, necessarily imperfect because of the moral frailty of man's nature. It is that sense of sin that is the final efflorescence of that highly developed conscience or sense of duty of the truly righteous man that forever persuades him of the utter insufficiency of his righteousness, however good it may appear in the light of the sinfulness of the wicked, and which forever drives him toward the conquest of yet greater worlds of duty.

We had occasion above to observe this sense of sin in the prophet's Call. And very emphatically is it evident in so many of the psalms, especially in Pss. 32 and 51, which, as Toy (*Judaism and Christianity*, p. 187) so well expressed it, reveal a most spiritual conception of sin as the impurity of soul which makes a barrier between man's soul and God. Psalm 51 is one of the so-called anti-sacrificial psalms, containing the celebrated verses 18 and 19: "For Thou delightest

not in sacrifice, else would I give it; Thou hast no pleasure in burnt-offering. The sacrifices of God are a broken spirit; a broken and a contrite heart, O God, Thou wilt not despise." The 'sacrifices of righteousness' (v. 21) are what God desires, according to this Psalmist. Only a sacrificial life of righteousness constitutes man's duty and man's means of establishing harmony between himself and God. And deeply realizing his great shortcomings in the realm of righteousness despite his sincere piety, the great author of this psalm humbly prays to his God: "Be gracious unto me, O God, according to the multitude of Thy compassions blot out my transgressions. Wash me thoroughly from mine iniquity and cleanse me from my sin. For I know my transgression; and my sin is ever before me" (vv. 3-5). We shall have occasion again in our last chapter to touch upon this sublime sense of sin that is in the background of the Jewish idea of duty, particularly as it refers to social or moral sin.

As a final illustration of the inner scope of the Jewish conception of duty, let us call attention to the depth of individual responsibility as envisaged by the Rabbis, which is very forcefully revealed in one of the celebrated passages of the *Mishnah*.⁶¹ Here again, incidentally, one may note how the lofty ethical spirit invariably shines through Jewish law. The passage under consideration lays down the solemn admonitions which the court is to give to witnesses in a capital case, not to be by their false testimony the cause of the death of a man and his potential offspring. Among those admonitions is the one that the prospective witnesses are to solemnly realize that capital cases (*dinè nefashot*) are *in toto caelo* different from civil matters (*dinè mamonot*). In the case of giving false testimony in a civil matter, the wrong can be rectified by the payment to the wronged one of the monetary damage awarded him in such matters; in a capital case, however, the blood of the accused as well as that of his potential

offspring until the end of time will be upon the false witness. Scriptural support for this is ingeniously found in the fact that in the expression, "The blood of thy brother is crying unto me from the ground" (Gen. 4.10), Scripture speaks of 'the blood of thy brother' in the plural (*demè ahika*) and not in the singular, thereby implying not only the blood of a single person but also that of all his potential offspring. To further give point to this serious observation, the *Mishnah* continues here to dwell on the ethical implications of the Scriptural thesis that only a single man was created.—"Therefore a single man was created: to teach thee that he who destroys one person, the Scripture imputes it to him as though he had destroyed the whole (population of the) world, and he who saves one human life, the Scripture imputes it to him as if he saved the whole world."⁶² The *Mishnah* characteristically proceeds to give other lofty ethical reasons why only a single man was created, among which is the one which we would term today 'democracy' (*mi-penè shalom ha-beriyot* [in the interest of mankind's peace]):—"that one should not say to his neighbor, 'My forefather was greater than yours.'" But the *Mishnah* has yet another lofty observation which it somehow connects with the same question: Though all were descended from a single man, every individual was nevertheless created with a different appearance—with a different and distinct individuality, as we would say today. And because of the uniqueness of every individual's personality "is every one in duty bound to say that on account of *me* was the world created."⁶³ In other words, every individual because of his absolute uniqueness in this world is to consider himself so individually responsible as to feel that the whole human race depends on his conduct!

Before turning to the universal scope of the Jewish idea of duty, we must mention here certain social and moral duties, dwelt upon with eloquent emphasis by the Rabbis, which

further illuminate the moral scope of the concept of duty in Judaism. And we may begin with the duties of parents to children as developed in Jewish religious literature.

It is the duty of the father⁶⁴ to support his children during their early years (M. Ketubot IV, 4). Among the prescribed and important duties of a father to a son are to teach him *Torah* and a trade. Great emphasis was laid by the Rabbis on the father's duty of educating his son in the law and the commandments. This duty of teaching the law we find already emphatically and repeatedly enjoined in the Pentateuchal law (Deut. 49.6-7, etc.). And the Rabbis' strict faithfulness to this duty, so emphatically set down in Scripture, to educate the child, especially the son, in the law, is writ large in the pages of Talmudic and Midrashic literature, and was greatly responsible for that glorious system of popular education which made of Israel truly a democracy of learning. After outlining the Jewish ideal of education and the splendid educational system of the Jews during the Talmudic period, Moore writes: "When such opportunities of acquiring a knowledge of religion were open to all, it is not strange that those who neglected them and consequently remained in ignorance of the revealed will of God . . . that such '*ammè ha-arez*' should be regarded by the Pharisees as little better than the indigenous heathen who were properly designated by that opprobrious name."⁶⁵

And equally great emphasis was also laid by the Rabbis on teaching the son a handicraft by which he could earn a livelihood. Thus the pregnant statement of R. Judah b. Ila'i: "A man who does not teach his son a trade teaches him robbery."⁶⁶

In another passage, we find this strong exhortation in the matter of the father's duty to teach his son a trade, woven in with an enumeration of some of the father's other duties to his son: "And one is in duty bound to teach his son an

occupation'. Whence do we infer this? Said R. Hezekiah: Scripture says, (Eccl. 9.9) 'Enjoy life with the wife whom thou lovest': if this verse speaks literally of a wife, then we assume that just as one is in duty bound to marry off his son, so also is he in duty bound to teach him a trade. And if it refers to the *Torah*, we can say that just as one is obligated to teach his son *Torah*, so is he obligated to teach him an occupation."⁶⁷ Study, the Rabbis insist, cannot be wholesome when absolutely divorced from gainful occupation. Thus Rabban Gamaliel III: "Study combined with a secular occupation is a fine thing, for the double labor makes sin to be forgotten. All study of the law with which no work is combined will in the end come to naught and bring sin in its train".⁶⁸ This being the general attitude of the Rabbis, it is not surprising to find so many of them making their livelihood from various kinds of trades, even from some of the humblest, such as that of a shoemaker. This fact, it goes without saying, did not in the least detract from the people's reverence of them or of their learning.

Filial piety, or the duty of properly honoring parents, is considered by the Rabbis as 'the weightiest of the weighty' of all the commandments. This we find already commanded and extolled in the law. The sixth of the Ten Commandments enjoins the honoring of father and mother (Ex. 20.12; so Lev. 19.3). The Rabbis call attention to the fact that Scripture employs the same expressions about honoring, revering, cursing parents as about honoring, revering or cursing God, which in accordance with a hermeneutic rule puts the honoring or dishonoring of parents on a plane with the honoring or dishonoring of God: "Our Rabbis taught: It is said, (Ex. 20.12) 'Honor thy father and thy mother', and again it is said, (Prov. 3.9) 'Honor the Lord with thy substance'; Scripture compares the honor of father and mother unto the honor of Heaven. Again it is said, (Lev. 19.3) 'Ye shall

revere every man, his mother and his father'; and again it is said, (Deut. 10.20) 'The Lord thy God shalt thou revere'; Scripture compares the reverence of father and mother unto the reverence of Heaven. Again it is said, (Ex. 21.17) 'And he that curses his father or his mother shall surely be put to death'; and it is said, (Lev. 24.15) 'Whosoever curseth his God shall bear sin'. Scripture compares here the blasphemy of father and mother unto that of Heaven . . . and so also should it be according to the logic of the law, for these three—Heaven, father and mother—are partners in the child."⁶⁹

Very inspiring is Simeon ben Yoḥai's teaching on this subject. In the passage in question,⁷⁰ by the way, among numerous others in Talmudic literature, one notes again how, despite their absorbing interest in the ritual side of religion, the Rabbis' interest in the prophetic, social and human side of religion is supreme: "Great is the honoring of father and mother, for God makes more of it than of honoring Himself. It is said, (Ex. 20.12) 'Honor thy father and thy mother'; and it is said, 'Honor the Lord with thy substance' (Prov. 3.9). Honor Him, that is, with what He has graciously bestowed on you". He then mentions the various things that in accordance with the law one must give of his substance, such as the forgotten sheaf, the corner of the field, the various tithes, the feeding of the poor and the hungry, etc., concluding: "If you have substance, you are obligated to all these, and if you have not, you are not obligated to any of them. But when it comes to honoring father and mother, whether you have substance or not, 'Honor thy father and thy mother', even if you have to beg your living from door to door."

The only case where the duty to honor God takes precedence over the duty of honoring parents is when the parents bid their children transgress one of the commandments of the law—be the latter ritual or moral—for the duty to honor God in this case equally rests on parents and children:

"We are taught in a *Baraita* (concerning the passage Lev. 19.3), 'Ye shall revere every man, his mother and his father, etc.' One might assume that if his father should tell him to defile himself (in the case of a priest who is forbidden to defile himself, see Lev. 31.20), or not to restore (a lost article to its owner), that he is to obey his order (even though it is contrary to the law);—it therefore says, 'Ye shall revere every man his mother and his father, and My Sabbaths ye shall keep, I am the Lord'; ye all are obliged to honor me."⁷¹

The duty of honoring parents includes the showing of the highest reverence to them. Among the numerous exhortations in this connection may be mentioned the injunction that even when a son sees his father breaking a commandment, respect should keep him from saying, "Father, you have transgressed the words of the law"; he should rather say, "Father, thus it is written in the law", or still better, "In the law the following verse is written".⁷²

The Rabbis tell to what lengths honoring parents should go: "What does 'reverence' mean, and what does 'honor' mean? Reverence means not to sit in his seat and not to stand in his place; not to contradict his words or to decide against his opinion. Honor means (when such services become necessary) to give them to eat and to drink; put their raiment upon them and tie their shoes, take them out and bring them in."⁷³ To the question put to R. Eliezer, as to what lengths honor toward parents should go, he replied,— "Even if they cast bags of money into the sea, one must not censure them."⁷⁴ And the Rabbis dwell with delightful approval on the conduct of the heathen of Ashkelon, Dama ben Netina, who was notorious for his extravagant ways of showing honor to his parents, an instance of which is the well-known story of his refusal to remove a jewel, for which he was offered a great sum, from under the pillow of his

father who lay asleep on it, thereby losing the opportunity of selling it at a great price.⁷⁵

We may finally make mention here of the well-known and important principle formulated by Mar Samuel, head of the school at Nehardea in Babylonia in the first half of the third century, which authoritatively defined for all time the proper attitude of the Jew toward the laws of the country, outside of the land of Israel, in which he lives and of which he is subject or citizen: *Dina de-malkuta dina* (The law of the country [or the state] is the law).⁷⁶ Mar Samuel's principle, let it be noted, is but the formulation of an already age-old attitude of the Jewish people toward the countries in which they lived, which was already stated by the prophet Jeremiah in 586 before the present era, immediately after Israel's first dispersion: "Seek ye the welfare of the city whither I have caused you to be carried away captive, and pray unto the Lord for it; for in its welfare shall ye have welfare" (Jer. 29.7). How faithfully Israel has carried out throughout its tragic history this sublime counsel of Jeremiah, later formulated into a general principle by Mar Samuel, the unbiased student of Jewish history may read on its every page.

Let us turn now to our last important phase pertaining to the scope of the Jewish idea of duty, namely, its universal scope. How universal in fact *is* the Jewish idea of duty, and what is the nature of its universality, as reflected, to the unbiased student, in Biblical and Talmudic literature?

We may examine this subject from three different angles: (a) the universal idea as implicit in Israel's self-imposed duty to be 'a kingdom of priests and a holy nation'; (b) the explicit teaching on the subject of universality, of Prophet, sage and Rabbi, and (c) the evidence testifying to Israel's universal passion as revealed in Israel's great proselytizing activities in the centuries immediately before and after the destruction of the Second Temple.

(a) The indubitable universal implications in the old Jewish prophetic idea that it is Israel's supreme national duty to aspire to be God's 'peculiar people' by living a life of superior holiness—by making its national life represent a supreme type of morality—has been generally overlooked.

Now, if doing good by moral example is an exalted type of morality, which it admittedly is, then a national religion that consecrates a people to such a high moral standard of living as to influence other nations by its moral example must certainly be considered as possessing an exalted type of universality. The very existence of this supreme moral type in Israel, even though Israel perform nothing directly toward converting other nations to its superior morality, must prove, however indirectly, of great benefit to the other nations. *Noblesse* not only obligates,—it also compels imitation. And national *noblesse* compels international imitation in noble living.

This important point is brought out very convincingly by Aḥad Ha-'Am in his important essay, "The Transvaluation of Values",⁷⁷ where he attempts to show that that phase of the Nietzschean idea of the Superman which may be considered of real ethical import, namely, the benefit to mankind in the existence of a superior type, is inherent in the Jewish prophetic idea of Israel's prophetic mission. Aḥad Ha-'Am's contention is thus, that in the prophetic idea of training Israel to become a Super-nation, we find the only means of developing the type of the moral Super-man. Aḥad Ha-'Am states: ". . . in very earliest times the Jewish people became conscious of its moral superiority over the surrounding nations, which consciousness found its expression, in accordance with the spirit of that age, in the religious dogma that God had chosen Israel to make him high above all the nations. It was for moral development that Israel was chosen by God 'to be a peculiar people unto Himself . . . and to keep all

His commandments'; that is, to give concrete expression in every generation to the highest type of morality, to submit always to the yoke of the most exacting moral obligations,⁷⁸ and this without any regard to the gain or loss of the rest of mankind, but solely for the sake of the existence of this supreme type. . . the Jewish people as a whole always interpreted its 'mission' simply as the performance of its own duties, without regard to the external world, and has regarded its election, from the earliest times to the present day, as the end of all else, and not as the means to the happiness of the rest of the world. The Prophets no doubt gave utterance to the hope that Judaism would exert an influence for good on the moral condition of the other nations; but their idea was that this would follow naturally from the existence among the Jews of the highest type of morality, not that the Jews existed solely for the purpose of striving to exert this influence. It is the nations who are to say, 'Come ye and let us go up to the mountain of the Lord, . . . and He will teach us of His ways and we will walk in His paths.' We do not find that Israel is to say, 'Come, let us go out to the nations and teach them the ways of the Lord, that they may walk in His paths.' ⁷⁹

Whatever other evidence, then, may or may not be available as to the universality of Judaism, i.e., as to whether the scope of Israel's sense of duty reached out to bounds beyond its own national life, this evidence of universality in Judaism is sure and unmistakable, and dates back to the advent of the Great Prophets.

To live as 'a people of priests and a holy nation'—to impose upon itself this exalted kind of life as an irrevocable and inescapable national duty—indeed spells a sense of duty that goes beyond mere national boundaries. That indeed embraces bounds that are international or universal.

This, however, is not the whole story. For we have direct

and conclusive evidence in Jewish teachings on the subject, and in Israel's proselytising activity, that witnesses to the fact that Israel's international or universal interest consisted not merely in moral indirection or moral example, but in its actual anxiety to convert the other nations to its higher type of life and moral discipline.

(b) Let us turn first to the Biblical and Talmudic teachings on this subject.

The necessity of having at all to prove the universality in Judaism or the international scope of Israel's religious national ideal, despite so much evidence of it in Jewish religious literature, is no doubt due, as far as the unbiased student of Biblical and Talmudic literature is concerned, to the peculiar national form in which Judaism's universality or Israel's international ideal was embodied.

It was within Israel's old national framework that Israel's international ideal was developed, "without the old Prophetic ideas", as Kautzsch put it, "of the election and pre-eminence of Israel being given up."⁸⁰ The universal idea in Judaism thus naturally took the form, as Moore has it, of "the national religion internationalized".

One may not like this particular form in which Israel or Judaism clothed the universal idea or ideal, or some of the expressions of that form which are found, for instance, in the Hebrew Bible, and concerning which we shall have a word to say later on. But this cannot possibly blind one to the reality of the emphatic existence of the universal idea in Judaism, and to the remarkable fact that Israel's sense of duty developed such universal proportions at a very early period in man's history, when such a morally-broad international outlook was something undreamt of outside of the confines of Israel.

The supreme expression of the universal scope of Israel's idea of duty in the Bible, we find of course in Deutero-

Isaiah, framed there also in the Jewish national framework. Deutero-Isaiah's noble formulation of his *'Ebed Yhwh* burden, it is to be remembered however, is but the supreme crystallization of the idea of universality that was inherent in Prophetic teaching at least as early as Amos in the eighth pre-Christian century.

How unique, indeed, both from the viewpoint of its very early historic date and its moral character, is the universal scope given to Israel's national destiny by the Great Unknown of the Exile in his formulation of his *'Ebed Yhwh* philosophy of Israel's history!

In Deutero-Isaiah, Israel, or the faithful group within Israel, becomes the *'Ebed Yhwh*—"the Servant of God"—or the divine instrumentality for the salvation of the nations of the earth. As such, the scope of Israel's moral interest must necessarily extend beyond the borders of its own life. The Servant's duty is not only "to restore the tribes of Jacob." For him, this is "too light a thing: I have appointed thee as a light of the nations, to be My salvation unto the ends of the earth" (Isa. 49.6). The duties of the Servant, or of Ideal Israel, are no less than "to open the eyes of the blind, to bring out the prisoner from the dungeon, and them that sit in darkness out of the prison house" (42.7). What a sublime and burdensome mission, that of God's Servant!—"Behold, My Servant, whom I uphold; Mine elect in whom My soul delighteth; I have put My spirit upon him, He shall make the right to go forth to the nations. He shall not cry, nor lift up, nor cause his voice to be heard in the street. A bruised reed shall he not break, and the dimly burning wick shall he not quench; He shall make the right to go forth according to the truth. He shall not be crushed, till he have set the right in the earth; and the isles shall wait for his teaching" (42.1-4). This salvation of the nations, for which the Servant received his call when yet in his womb, from the

very formation of Israel as a people (49.1), is, then, to come about, with God's help, through the influence of the great voluntary sufferings or martyrdom on the part of the Servant (50.6). Israel the Servant, in fact, becomes a guilt-offering for the sins of the nations of the earth, bearing the punishment of others, and thereby effecting mankind's salvation (52.13-53).

In this sublime doctrine of the suffering of Israel for the Gentile world in order to bring salvation to the latter, the Jewish prophetic idea of duty reaches its logical zenith. It is implicit, as was above remarked, in the earlier prophetic literature; nor was it ever lost sight of by Israel's teachers in all subsequent Jewish literature, Biblical and Rabbinic. It is very likely true, as Moore remarks,⁸¹ that the Jews during the later ages did not understand the famous passage of Deutero-Isaiah (53.1-12) in the way just outlined, and did not interpret this passage as a whole as bearing the idea of Israel as the voluntary suffering servant for the spiritual advancement of the other nations. R. Simlai, (fl. early 3rd century), for instance, applies Isa. 53.12 to Moses (Sotah, 14a); R. Jonah (4th cent.), to Akiba, while others, again, found in it the Men of the Great Assembly (Jer. Shekalim 48c). It is also true, as Moore further remarks, that it is not clear that when the Jews addressed themselves to the conversion of the Gentiles in the Greek period these prophecies in Isaiah were in their mind. All of this, however, only goes to show, keeping in mind the fact which will become apparent as we go along, that in all later Jewish literature there is repeatedly voiced the universal hope, which was tantamount to a fervent belief, that the day will come when 'the Lord shall be King over all the earth; in that day shall the Lord be One, and His name one' (Zech. 14.9)—all of this, we say, only goes to show that the idea of universality in Judaism did not depend upon the teachings of one prophet,

no matter how great. The simple truth of the matter is that this great idea was a logical outgrowth of the old Prophetic idea of the One Universal God and of Israel as the favored recipient of the true knowledge of the One Universal God. This universal God being the Father of all nations, it would logically follow that all of His children should in the end recognize Him as God. And does it not follow that it is the duty of Israel, to whom was entrusted the true knowledge of the universal God—the true religion—to spread this true knowledge of God to all the nations of the earth? As Moore puts it: "The belief that the true religion must in the end be the universal religion of itself made Judaism a missionary religion. God had revealed it to one nation that through them it should be proclaimed to all the nations; Israel's exclusive possession of it was not the end, but the means to a greater end."⁸²

And after Deutero-Isaiah, how omnipresent indeed is the universal idea through all later Jewish literature!

Thus we find the universal idea inspiringly expressed in various forms in the late prophetic passages of the Bible. The chief form, though not the only form, in which was embodied the common expectation of the realization of the universal ideal, was, to be sure, that of the 'national religion internationalized':—the Temple or the city of Jerusalem is to become the religious center of the world, and the nations of the world are to be attracted thereto by its spiritual splendor, reign of social righteousness and peace. In these Messianic visions, Israel, as was above stated, works out its national mission by ethical example: "And it shall come to pass in the end of days, that the mountain of the Lord's house shall be established as the top of the mountains, and shall be exalted above the hills; and all nations shall flow unto it. And many peoples shall go and say, 'Come ye, and let us go up to the mountain of the Lord, to the house of

the God of Jacob; and He will teach us of His ways, and we will walk in His paths. For out of Zion shall go forth the law, and the word of the Lord from Jerusalem. And He shall judge between the nations, and shall decide for many peoples; and they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war anymore" (Isa. 2.2-4; cf. Mic. 4.1-4). In a similar vein, the passage in Zech. 2.14-17: "Sing and rejoice, O daughter of Zion; for, lo, I come, and I will dwell in the midst of thee, saith the Lord. And many nations shall join themselves to the Lord in that day, and shall be My people, and I will dwell in the midst of thee; etc." So also the famous late passage, Isa. 56.1-7, hailing very likely from the Persian period, and, judging by its great stress on the Sabbath, no doubt written under the influence of P. In this passage, we find the broad and glowing pronouncement: "For My house shall be called a house of prayer for all peoples" (v. 7). We may recall here also the above quoted famous verse, Zech. 14.9, which contains the universal hope of God's Kingship, and which became in time a familiar prayer in the Jewish liturgy: "And the Lord shall be King over all the earth; in that day shall the Lord be One, and His name one." In fact, this verse became in time one of the fundamental verses for the later Jewish idea of the Kingdom of God (*Malkut Shamaim*).

Though this national-internationalized form is commonly the one in which is embodied the Jewish universal idea, it is, as was stated above, not the only form in the Bible. In later Biblical passages we find the realization of the universal idea embodied in another form, not restricted to the Temple or Jerusalem. So in Isa. 19.18-24: "In that day . . . shall there be an altar to the Lord in the midst of the land of Egypt and a pillar at the border thereof to the Lord. And it shall be for a sign and for a witness unto the Lord of

Hosts in the land of Egypt; for they shall cry unto the Lord because of the oppressors, and He will send them a savior and a defender, who will deliver them. And the Lord shall make Himself known to Egypt, and the Egyptians shall know the Lord in that day; yea, they shall worship with sacrifice and offering, and shall vow a vow unto the Lord, and shall perform it. And the Lord will smite Egypt, smiting and healing, and they shall return unto the Lord, and He will be entreated of them, and will heal them. In that day shall there be a highway out of Egypt to Assyria, and the Assyrian shall come into Egypt, and the Egyptian into Assyria, and the Egyptian shall worship with the Assyrians. In that day shall Israel be the third with Egypt and with Assyria, a blessing in the midst of the earth; for that the Lord of Hosts hath blessed him, saying, 'Blessed be Egypt My people, and Assyria the work of My hands, and Israel Mine inheritance.'" So Mal. 1.11: "For from the rising of the sun even unto the going down of the same My name is great among the nations; and in every place offerings are presented unto My name, even pure oblations; for My name is great among the nations, saith the Lord of Hosts."

The universal idea, as is well known, is the main theme of the books of Ruth and Jonah. The former pleads for a generous attitude toward the Gentiles, making its appeal to the populace by pointing out that no less than the great King David was a descendant of a Moabitish woman. The latter insists that the inescapable duty of the Jewish people is to sincerely serve as the missionary of the true God to all the nations of the earth, calling them to repentance and to the righteous life in order that they may avoid catastrophe. And need it be pointed out that the common theme in the Psalms is the providential care of God for all mankind and the future recognition of the true God by all the nations?⁸³

The Wisdom literature addresses itself to man as man,

not specifically to Israel or the Jew. The moral exhortations of Proverbs, the philosophic reflections of Ecclesiastes, and the problem of theodicy of Job, are all couched in universally human terms. The hero of that sublime epic of the soul—the Book of Job—is not a Jew.

As to the Law:—The Pentateuchal law posits at the beginning of history, as Kohler remarks,⁸⁴ the unity of mankind, the first eleven chapters of Genesis teaching that all tribes of men descended from one parent (Adam-man), and that therefore all the races of men constitute one family—a logical consequence of the other great doctrine of the Law—the unity of God. God's promise to Abraham—the traditional father of the Hebrew race—is, that "in thee shall be blessed all the families of the earth" (Gen. 12.3). Israel accepts the Sinaitic covenant in order that "ye shall be unto Me a kingdom of priests and a holy nation" (Ex. 19.6), the implication of course being that Israel shall serve as an exemplar of morality and holiness to all the nations of the earth. The universal idea in the Pentateuchal law is evident in its broad humanitarian attitude toward the *ger*, which, in the pre-exilic sources, as is generally agreed, connoted a non-Jew, residing in Palestine, who put himself under the protection of Israel among whom he had taken up his abode. It is probable that in the later Biblical sources, the term already had the later Talmudic meaning of a convert.⁸⁵ With reference to the *ger*, the Law's injunctions regarding him, either as non-Jew or as Gentile convert to Judaism—to love him (Lev. 19.33-34) even as God Himself loves him (Deut. 10.18), not to oppress him, not to deal unjustly with him (Ex. 22.21; 23.9; Deut. 24.17; 27.19); that 'one law and one statute' was to apply to native and stranger alike (Lev. 24.22; Num. 9.14; 15.16, 29; Ex. 12.9)—all unmistakably reveal the Law's broad humanitarian attitude to the members of other races and the high regard for the non-Jew who has become a convert

to the religion of the One God. They reflect, in brief, the universal idea in the Law.

The universal note in the entire compass of OT literature is, to be sure, uneven, but the universal ideal, so superbly crystallized in Deutero-Isaiah, is ever present. If this vision at times falls in the background in this vast literature, in the pregnant words of Smith, "we must remember that the conception of human brotherhood has found expression nowhere else in the world at that time, and the nearest approach to it was in the writings of the Jews themselves."⁸⁶

Nor is the universal idea lost sight of even in Talmudic literature, despite the many historical circumstances in those later times—such as the loss of State and persecution—that were so inimical to the continued espousal of that idea by Israel, who was, as a result of those dire circumstances, compelled, in the interest of self-preservation, rather to concentrate its attention on the strictly national aspects of Judaism.

We may recall here Ben 'Azzai's (Akiba's younger contemporary) famous statement as to the most comprehensive rule of the Law. R. Akiba found it in Lev. 19.18 ('Thou shalt love thy neighbor as thyself'). Ben 'Azzai, however, found it in Gen. 5.1 ('This is the book of the generations of man; in the day that God created man, in the likeness of God created He him'). In other words, Ben 'Azzai finds the most fundamental doctrine of the Law in the idea of the common brotherhood of mankind: all men were created in the image of God.⁸⁷

We may also mention here the well-known passage in the *Sifra*, on Lev. 18.5, where we are taught in the name of R. Jeremiah: "If you ask whence we learn that even a Gentile who obeys the Law is like the high priest, the answer is found in the words, 'Which if a *man* (i.e., any human being) do, he shall live by them' (ibid.). So again it is said, 'This is the law of *mankind*, Lord God' (2 Sam. 7.19), not, 'This

is the law of priests and levites and Israelites'. And again, 'Open the gates that a *righteous Gentile*, keeping faithfulness may enter by it' (Isa. 26.2), and not, 'Open the gates that there may enter priests, levites and Israelites'. And again, 'This is the gate of the Lord; the *righteous* shall enter by it' (Ps. 118.20), and not 'priests, levites, Israelites'. It does not say, 'Rejoice, priests and levites and Israelites', but, 'Rejoice, ye *righteous* in the Lord' (Ps. 33.1). Nor is it written, 'Do good, O Lord, to the priests, levites, Israelites', but, 'Do good, O Lord, to the *good*' (Ps. 125.4). Hence it follows that even a Gentile who obeys the Law is like the high priest."⁸⁸ And R. Meir, deriving his inspiration also from that pregnant verse (Lev. 18.5), comes exactly to the same conclusion elsewhere.⁸⁹

This brings to mind a similar exalted statement of the author of a late Midrash: "I call heaven and earth to witness that, whether Israelite or non-Israelite, whether man or woman, whether male-or female-slave, the Holy spirit rests upon man according to his deeds."⁹⁰

And in accordance with this universal spirit, the opinion of R. Joshua ben Hananiah, as against that of R. Eliezer b. Hyrcanus, prevailed in Judaism, in regard to the fate of the righteous Gentile in the Hereafter. The former held that no Gentiles have a portion in the World to Come, basing this on Ps. 9.18 ('The wicked shall return to Sheol, all the Gentiles who forget God'), the first clause in this verse ('the wicked shall return to Sheol') being interpreted by him as referring to the wicked of Israel, and the second ('all the Gentiles who forget God') as including all the Gentiles. R. Joshua, however, contends that the words 'all the Gentiles *who forget God*' in this verse refer to those Gentiles *only* who forget God, and that this verse therefore implies that there *are* righteous men in the nations of the world, and that they, too, have a portion in the World to Come.⁹¹ And Maimon-

ides, voicing the traditional opinion of Judaism in this connection, accepts R. Joshua's interpretation on this subject.⁹²

The universal idea is again evident in the well-known belief of the Rabbis that not only were the so-called Six Noachian laws, which we discussed above, given to mankind as a whole before the advent of the Sinaitic law, but that even the complete and final Revelation—the Sinaitic Law itself—was given both to Israel and to all the nations as well, but was rejected by the latter. The other nations were not, as Israel was, morally prepared for the Law's arduous duties. Thus the Rabbis, interpreting Deut. 33.1 ("The Lord came from Sinai and rose from Seir unto them; He shone forth from Mount Paran"; cf. Habak. 3.3), pose the question, What has the Lord to do in Seir and in Paran! To which R. Joḥanan answers: "From this it may be inferred that the Holy One, praised be He, offered the Torah to every nation, but it was not accepted, until He came to Israel who accepted it".⁹³

This belief was not, as Moore explains,⁹⁴ a scholastic conceit or a play of homiletical subtlety, but was the teaching of both the great schools of the second century, the schools of Ishmael and Akiba, and was, therefore, presumably part of the earlier common tradition. It was in fact the result of the Rabbis' other universal belief, which in their day had become the common belief of the Jewish people, that as the one true religion, Judaism was destined to become the religion of all mankind.

Again, this belief that the Sinaitic revelation was offered by God to all the nations but was in turn rejected by all of them, was also meant to be an answer to the question why the Sinaitic revelation was made to one nation only. Without some such explanation the justice of God, which, in accordance with the Jewish conception, must compass all the nations, and which cannot punish any nation without justification, would clearly be impugned.⁹⁵ The Rabbis therefore further

tell us that the reason that the Law was given in the desert (Ex. 19.1) and with all publicity, in a place to which no one had any claim, and not in the land of Israel, was in order to make it impossible for the Jews to deny the Gentiles any share therein.⁹⁶ In the same vein, the Rabbis teach that the Torah was given in the desert that no one nation might lay exclusive claim to it. It was given in the desert, in fire and in water, things which are free to all mankind. It was revealed at Sinai, not in one language but in four—Hebrew, Roman, Arabic and Aramaic⁹⁷—the last three mentioned foreign languages being those of Israel's neighboring nations, who ultimately refused the Law, because it forbade the sins to which they were addicted by heredity—murder, adultery, and robbery.⁹⁸

Elsewhere the Rabbis tell us that the Law was given to all nations in seventy languages, which in accordance with the Jewish computation, based on Gen. 10, was the number of all the nations of the world. The same idea is contained in the Rabbis' statement that God's voice at Sinai was heard in all seventy languages at once.⁹⁹ Likewise, in the statement that Moses interpreted the Law in the plains of Moab in seventy languages;¹⁰⁰ and in the statement that the Law was inscribed on the stones of the altar on Mount Ebal (Josh. 8.31f.), whereto all the nations sent their scribes who copied it in seventy different languages.¹⁰¹ However, in spite of the collective rejection of the Law by all the nations, the Rabbis insisted, as is apparent from the quotations given above, that individual Gentiles who obey its commandments rank as high as a high priest, and that they also share in the Law's promises. We thus learn also from the traditional interpreters of the Law—the Rabbis—that, in the words of Moore, "in content and intention the Law is universal."¹⁰²

The hope that the nations of the earth will ultimately accept in full the true religion is expressed by many a Rabbi.

Thus we find R. Jose ben Halafta teaching that in the Messianic age the heathen would all become proselytes.¹⁰³ Which thought, by the way, as Moore remarks, is not at variance with another statement elsewhere¹⁰⁴ to the effect that in the days of the Messiah, proselytes will not be received even as they were not received, it is said, in the times of David and Solomon. For the idea in the last statement is properly understood only in connection with the discussion there of the wrong kind of proselytes, described there, which this statement intends to discourage. The idea in that passage thus is, that in the times of David and Solomon, when Israel enjoyed power and prosperity, those would-be proselytes intended to become such only out of motives of self-interest and not *le-shem Shamaim*, and how much more so in the Messianic age, which will no doubt lend even more encouragement to *gerim gerurim*—proselytes who accept Judaism out of improper motives and who at the least provocation will desert it!

We may quote here also a later Midrash: "God says, In this age, through the efforts of the righteous, individuals become proselytes, but in the Age to Come, I will draw the righteous (Gentiles) near and bring them beneath the wings of the *Shekinah*, as it is written, 'For then will I give the peoples, in exchange for their own, a pure language, that they may all of them call on the name of the Lord and serve Him with one consent'" (Zeph. 3.9).¹⁰⁵

Israel's anxiety for the universal acceptance of the Law—Israel's fervent hope of the speedy coming of the time when—to use the Jewish liturgy's own favorite expression—the one true God shall be recognized as King by all the nations of the earth—is evident again in its liturgy—in its many and lofty prayers for the realization of this great hope of Israel.

The outstanding prayer is the '*Alenu*, the concluding prayer of the Jewish Daily Prayers, which in substance seems to

derive from a very early period, and was very likely formulated in its present form in the first half of the third century.¹⁰⁶ In the second part of this prayer, beginning with "We therefore trust in Thee", which devoutly prays for the time when the God of Israel shall be acknowledged and obeyed by all men as their King, we note how the universal vision of Israel's Great Prophets became at an early period a firm article of the Jewish Faith: "We therefore trust in Thee, O Lord our God, that we may soon behold the glory of Thy power, to cause the idols to pass away from the earth, and the false Gods shall be utterly cast off; to perfect the world in the reign of the Almighty, and all the children of flesh shall call upon Thy Name; to turn unto Thyself all the wicked of the earth. All the inhabitants of the globe shall perceive and know that unto Thee every knee shall bow and every tongue confess. Before Thee, O Lord, our God, they shall bend the knee, and prostrate themselves; and give honor to Thy glorious Name. They shall take on them the yoke of thy Kingdom (which the Jew does when he recites the *Shema'*), and do Thou be King over them soon, forever and ever. For Thine is the Kingdom, and forever Thou wilt reign in glory, as it is written in thy law, (Mic. 4.7) 'The Lord shall be King forever and ever'. And it is said, 'And the Lord shall be King over all the earth: in that day shall the Lord be One and His Name one (Zech. 14.9).'"

Even more prominently do we find that ringing, indigenously Jewish refrain of universality—God as King of Humanity—in the *Malkuyot* (Kingdom verses), which were given such a prominent place in the *Musaf* (Additional Service) on New Years. That indeed is its great theme, as its very name indicates. In fact, this universal idea of God's Kingship is met with such frequency in the Jewish liturgy as to have inspired R. Johanan to declare that a prayer in which there is no mention of 'Kingship' (*Malkut*) is no prayer.¹⁰⁷ The said

universality-inspired *Malkuyot*, which is preceded in the New Year's service by the equally universality-inspired '*Alenu*', is in turn followed by the following universal prayer and benediction: "Our God and God of our Fathers, reign Thou in Thy glory over the whole universe, and be exalted above all the earth in Thine honor, and shine forth in the splendor and excellence of Thy might upon all the inhabitants of Thy world, that whatsoever hath been made may know that Thou hast made it, and whatsoever hath been created may understand that Thou hast created it, and whatsoever hath breath in its nostrils may say, The Lord God of Israel is King, and His dominion ruleth over all . . . Blessed art Thou O Lord, King over all the earth, etc."

We have, then, thus far observed the universal scope of Israel's sense of duty emphatically implicit (a) in Israel's determination to function as 'a people of priests and a holy nation', thereby serving mankind by moral example. In the many Biblical and Talmudic examples above cited, we have also seen that Israel was not satisfied with the mere role of moral exemplar, but went beyond it, having directly shown its concern for mankind's conversion to the true faith and the good life by (b) its many explicit hopes and prayers that all the nations of the earth shall some day be converted to the true religion of the One Universal God. We have seen that to accomplish this, Israel was even ready to explain its national suffering as being the Martyr-means of bringing about mankind's religious and moral regeneration. (c) But in the long and glowing record of Israel's proselytising activities, in the centuries immediately preceding and following the destruction of the Second Temple, we have most convincing evidence that Israel actually attempted to put into practice its many explicit hopes and prayers for the conversion of mankind to the true religion by the most direct and arduous effort.

(c) The history of Jewish proselytism is the history of Israel's direct efforts to bring its supreme universal ideal into realization.

Israel's proselytizing activities¹⁰⁸ must have begun very early, certainly during the Exile. The term *Ger*, which in pre-exilic times merely connoted an alien immigrant, an *advena* in Jewish territory, with no legal rights, (whose protection was therefore sought, as of the poor and other objects of charity, by moral injunction [*Mizwah*] in the name of Yhwh), becomes in P. an *advena* in the Jewish religion. Hence he is placed in the Priestly Code on the same footing in regard to both civil and religious law as the native Israelite (Lev. 24.16, 22; Ex. 12.48; Num. 9.14).

During the Exile, Israel's interest in bringing the truth of the one God to the nations is gloriously reflected in the immortal missionary message of Deutero-Isaiah, above outlined.

This interest is seen again in the passage, Isa. 14.1, hailing from the Persian period, wherein the seer expresses the hope that when God re-establishes Israel in its own land "the *gerim* (the converts they have made in the exile) will join themselves to the house of Jacob." Likewise in the famous passage, Isa. 56.6ff.: "The aliens (*benè ha-nékar*) who join themselves to Yhwh to minister unto Him, and to love (worship) the name of Yhwh, to be His servants, every one that keeps the Sabbath from profaning it, and holds firmly to My covenant (law), I will bring them to My holy mountain and make them rejoice in My house of prayers; their burnt-offering and their sacrifice shall be acceptable upon My altar, for My house shall be called a house of prayer for all peoples. Thus saith the Lord Yhwh who gathers the dispersed of Israel, yet will I gather others unto him (Israel), besides those that are gathered of (Israel) himself" (i.e., as Moore explains, many other Gentile converts will be added to the Israelites who are gathered from the dispersion, besides the

converts they have made there). Ezra's strictly racial policy, after the restoration, as is well known, did not go unopposed, as is evident in the emphatic universal messages of the books of Jonah and Ruth. As for Hellenistic Judaism, it is universally conceded that it was very aggressive in its activities for the spread of Jewish monotheism.

Josephus' statement that there prevailed in his day, among the inhabitants of both Greek and barbarian cities, a great zeal for the Jewish religion certainly shows the results of Jewish missionary activity during the period immediately after the fall of Jerusalem.¹⁰⁸

Throughout the Roman empire, as the Roman historians attest, Judaism made inroads into the pagan religions, and made converts both among the common people as well as among the upper classes, and even in the royal families.

From the Tannaim's discussions of the proselytes' status and the conditions of their acceptance, we may safely conclude, as Hirsch remarks, that proselytes must have been numerically and socially of importance in Palestine too.

The censure of the Pharisees in Matt. 23.15,¹⁰⁹ where they are condemned for their practice of winning over every year at least one proselyte each, would certainly indicate that the Pharisees, traditional prejudiced opinion to the contrary notwithstanding, were very active in spreading Judaism to the outside world. Individual teachers among the Rabbis are indeed known to have been averse to proselytizing. The part in Jewish history played by Herod, a descendant of the Idumeans whom John Hyrcanus had forced to embrace Judaism, is no doubt, as Hirsch remarks, the reason for the hostile attitude of these individual Jewish teachers. But the famous anecdote of Hillel and Shammai and the proselyte, related in *Shabbat* (31a), shows that while a Shammai would drive off a tactless proselyte who would be taught the whole of the Law while standing on one foot, a Hillel would patiently

and generously welcome him with some such arresting remark as the so-called Golden Rule, "What you do not like to have done to you, do not do to your fellow. This is the whole Law; the rest is the explanation of it; go learn it!"

And the disciples of Hillel, like him, welcomed converts. These disciples of Hillel gave no heed to such teachers as R. Eliezer ben Hyrcanus, who assumed a disdainful attitude toward proselytes, believing them to be ever prone to revert to heathenism.¹¹⁰ Among later individual Rabbis, who followed in Shammai's spirit in their attitude toward proselytes, we may recall here R. Helbo (a Palestinian teacher of the latter part of the third century) and his oft-quoted remark that proselytes are as troublesome to Israel as the itch.¹¹¹ But, in the same passage in the *Mekilta*, on Ex. 22.20 ('An alien [*ger*—taken here in the meaning of proselyte] thou shalt not injure nor oppress, for ye were aliens in the land of Egypt'), where R. Eliezer remarks that it is on account of the proselyte's natural depravity that Scripture admonishes in many places, in regard to him, not to wrong him, to love him, etc., R. Nathan rather explains the reason for these admonitions as being due to the fact that "proselytes are dear to God." In the same spirit, R. Simeon ben Yoḥai, who applies to the proselyte, the glowing Biblical verse, 'But they that love Him be as the sun when he goeth forth in his might.' (Judges 5.31.) The *Mekilta* continues: "Which one is greater, he who loves the king or he whom the king loves? You must say, he whom the king loves, as it is said (of God), 'And He loveth a proselyte' (Deut. 10.18). Proselytes are dear to God, for you will find that the same things are said about them as about Israel. . . The Israelites are called ministers, as it is said, 'And ye shall be called the priests of the Lord, ministers of our God shall be said of you' (Isa. 61.6), and the proselytes are called ministers, as it is said, 'The foreigners who attach themselves to the Lord to minister to

Him' (Isa. 56.6); the Israelites are called friends, as it is said, 'The offspring of Abraham, my friend' (Isa. 41.8); the proselytes are called friends, as it is said (of God), 'Friend of the proselyte' (Deut. 10.18); the word 'covenant' is used of the Israelites, as it is said, 'And my covenant shall be in your flesh' (Gen. 17.13), and so it is used of proselytes, as it is said, 'Who hold fast by my covenant' (Isa. 56.6), etc." So in the beginning of this telling passage Israel is admonished: "Do not injure him (the proselyte) with words and do not oppress him in money matters. One must not say to him, 'Yesterday you were worshipping Bel, Kores, Nebo, and with swine's flesh between your teeth you answer back to me!' And whence do we learn that if you insult him he can return the insult? Because Scripture says, 'for ye were aliens in the land of Egypt.'" And this liberal spirit toward the proselyte is likewise echoed in R. Simeon ben Gamaliel's teaching that the hand of welcome should be extended to the proselyte.¹¹²

The Rabbis' interest in proselytising is again reflected in their regarding almost every great Biblical hero as an active propagandist, or maker of proselytes. At the head stands the great maker of proselytes, Abraham, the traditional father of the Hebrew race. The *Midrash* in commenting upon Gen. 12.8 ('and he [Abraham] called on the name of the Lord') explains this to mean, among other things, that Abraham "began to make proselytes and to bring them under the wings of the *Shekinah*."¹¹³ In this spirit the same *Midrash* interprets Gen. 12.53 ('the souls they had 'made' in Haran'),—"these are the proselytes they had made there". And the *Midrash* continues: "If they only made proselytes of them, why does it say that they 'made' them?—In order to teach that he who brings the heathen near and makes a proselyte of him is considered as if he created him."¹¹⁴ In fact, Abraham is represented not only as the great maker of proselytes but

as one who even "calls himself a proselyte, as it is said, 'A stranger (*ger*) and a sojourner am I with you'" (Gen. 23.4). Likewise King David: "David calls himself a proselyte, as it is said, 'A stranger (*ger*) am I in the land'" (Ps. 119.19).¹¹⁵ The Rabbis' pride in the true proselyte (*ger ṣadeḳ*) is again evident in regarding the great teachers like Shemaiah and Abtalion, Akiba and Meir, and Aquila, translator of the Bible, as proselytes or descendants of proselytes. R. Eleazar b. Pedat even sees in Israel's dispersion God's purpose of winning more proselytes, "as it is written, (Hos. 2.25) 'And I will sow her for me in the land';—and one could not sow, if it were not for the purpose of reaping a harvest!"¹¹⁶

How pleased Israel was to count the *ger ṣadeḳ* or *ger emet*—the true proselyte—in its midst, can be seen from the Rabbis' insertion in the daily prayers, in the thirteenth blessing of the *Shemoneh 'Esreh* (the Eighteen Benedictions), a petition for God's blessing upon the righteous proselytes (*gerè ha-ṣadeḳ*), who are mentioned together with the righteous, the pious, the elders of Israel and the Scribes.

Summing up the attitude of the Jews in the Tannaitic period toward proselytes, Moore writes: "Speaking generally the tone of the utterances about proselytes is friendly, though not unduly enthusiastic. This is the more to be noted because the Jews' experience with proselytes must at times have been decidedly discouraging. It can hardly be doubted that in perilous times many apostatized. In the outside lands, at least, many went over to Christianity. In the persecution under Hadrian, they were under strong temptation to clear their own skirts by turning informers. It would be nothing surprising if under such circumstances the Rabbis should have looked askance at all proselytes. There is, however, little evidence of such a temper."¹¹⁷ And after mentioning the many grave hindrances in the way of the Jews' work in proselytising, such as Hadrian's decree making circumcision

a crime, and, later, the decrees of the Roman Christian emperors which made conversion of Christians to Judaism itself a crime (in time, a capital crime), Moore thus concludes his chapter on "Conversion of Gentiles": "Against all such attempts of pagan or Christian rulers to shut up Judaism in itself and prevent its spread, the Jews persisted in their missionary efforts to make the religion God had revealed to their fathers the religion of all mankind."¹¹⁸

It was, then, only when historic conditions made active proselytizing dangerous and impossible, that the universal note, always implicit and explicit in Judaism, had to recede to the background of Israel's life. All Israel could do in those critical circumstances was to expend all of its powers to preserve its national identity which was forever the bearer of the universal idea; all it could do was to try to remain intact as a nation, sacrificially faithful to its God and His law, until the time when more favorable historic conditions would enable it again to bring to the foreground the integral universal note of its Faith.

That the universal note was not at all lacking in the Jewish medieval philosophers, we may observe in Maimonides' exalted characterization of the Messianic era, which, in accord with the Prophets, he pictures as an age blessed with universal peace and tranquility. These conditions, according to Maimonides, are indispensable for such an era; they alone can afford both Jew and mankind in general the opportunities for the practice of the distinctively spiritual activities of life: "Because of this, all Israel, their prophets and their scholars craved for the Messianic era so that they may be free from the yoke of tyrannical government which does not afford them the tranquility necessary for the study of the Torah and the proper observance of the precepts, and so that they may find the peacefulness of mind to increase wisdom in order to acquire life in the World to Come. For, in those

days, knowledge and wisdom and truth will increase, even as it is said: 'For the earth shall be full of the knowledge of the Lord' (Isa. 119); and it is again said: 'And they shall teach no more every man his neighbor, and every man his brother' (Jer. 31.34); and it is yet again said: 'And I will take the stony heart out of your flesh' (Ezek. 36.26). For that king who will arise from the seed of David will be gifted with wisdom more than Solomon, and great in prophecy, nigh unto Moses our Master. He will therefore teach the whole people and point out to them the Lord's path, and all nations will come to hearken unto him, even as it is said: 'And it shall come to pass in the end of days that the mountain of the Lord's house shall be established as the top of the mountains' " (Is. 2.2).¹¹⁹

It was, therefore, no historic accident that when the cruel hand of persecution was lifted from Israel's life with the ushering in of the period of the Emancipation in the early part of the 19th century, the ancient, Prophetic, universal idea of Israel's Faith re-asserted itself in Israel's religious life in the Reform Movement in Judaism.

We may, we believe, fittingly close this chapter on the scope of duty in Jewish ethics, by quoting the celebrated controversy, which was supposed to have lasted for two and one half years between the schools of Hillel and Shammai, concerning that old vexing problem whether life is worth living, or as the Rabbis put it, whether 'it were better if man had not been created'. This is indeed a fitting ending to this chapter, as it again confirms the thesis which it attempted to demonstrate, namely: the supremacy, the categorical and inescapable character, of duty in man's life, as it is taught in Judaism. The celebrated passage reads: "Our rabbis taught: 'For two and a half years the school of Shammai disputed with the school of Hillel. One school held that it would have been much better had man not been created,

and the other school contended that it were far better that man had been created than if he had not been created. At the end of that period, they counted the number of opinions, and it was found that the majority held that it would have been much better had man *not* been created, but that since he had been created, it is his duty to examine his actions; and according to others, to be careful of his actions.''¹²⁰

In other words, even if the answer to man's age-old question as to whether man's life is worth while be in the negative, whole-souled devotion to Duty must, in the opinion of the Rabbis—the traditional expounders of Judaism—remain the paramount and ultimate occupation of man. And thanks largely to the supreme place in man's life assigned by the Jew to Duty, the pessimistic strain that forever re-asserts itself in man's life was not potent enough to drive Israel, as it did countless men and women of other Faiths, to the socially destructive extremes of Asceticism and epicurean materialism. Life's ever-assertive pessimism found its match in Israel's age-old *Torah*-discipline in Duty. This great Discipline enabled Israel to soberly continue its life on its old and noble social patterns, ever finding life bearable, despite its toll of misery, nay, finding it even cheerfully worth while, in spite of the Jew's additional heavy burden of universal persecution.

CHAPTER VII

THE SOCIAL CHARACTER OF THE JEWISH IDEA OF DUTY

"When Rabbi Eliezer (ben Hyrcanus) fell ill, his disciples came to visit him. They said to him: 'Master, teach us the ways of life, that we may be deserving of a share in the World to Come'. He said to them: 'Be careful about the honor of your fellowmen, and restrain your sons from (mere) reading (without the traditional explanation), and set them between the knees of scholars, and when you pray, know before whom you stand; and thus you will attain to the life of the World to Come.'" (Berakot 28b.)

SYNOPSIS: The social character of the Jewish idea of duty as seen in the Prophets' identification of the religious life with justice and righteousness; social duty in the conception of the Prophets, as broad as social justice in its widest implications, demanding a complete reconstruction of the social order on the basis of human right; social injustice as divine *lèse majesté*—a sin against God; the Prophetic interpretation of social duty as reflected in the Rabbis' attitude toward charity as an inescapable duty of both the individual and of the community; the ideal of Jewish charity, to enable the individual to become self-supporting; the duty of the individual to make himself self-supporting; the social (as opposed to individualistic) character of Jewish ethics as seen in the Prophets' conception of the Messianic Age, and in Rabbinic teaching;

the ancient idea of group solidarity, ethicized by the Prophets into the social doctrine of the individual Jew's social responsibility to his nation, retained in Israel; served Israel as a potent means of keeping its life removed from the extremes of Asceticism (and its other-worldly individualism—the salvation of the individual soul) and epicurean materialism (with its pessimistic individualism), enabling Israel to remain loyal at all times to the social (anti-ascetic) basis of the religion of the Prophets; the ethicized idea of group or national solidarity also served the individual Jew as an answer—at one time entirely sufficient, and at all times helpful—to the problem of individual suffering; the desertion of the traditional Jewish outlook on life by the author of Ecclesiastes, as explaining the latter's extreme individualism and its resultant pessimism.

The distinctive social character of the idea of duty as conceived in Judaism,¹ stands out very strikingly in Isaiah's Consecration Vision (Ch. 6). After Isaiah beholds the vision of the thrice holy God and realizes his own utter sinfulness in his vision of Him (v. 5), he goes forth to call his people to a life of social righteousness. God's holiness is thus identified by Isaiah, as by the other Great Prophets, with righteousness. Man can only achieve holiness through social righteousness, through the practice of justice to his fellows. Religion itself is thus identified with social righteousness, with man's proper performance of his duty to his fellowmen. Duty as the highest expression of religion, takes on with the Prophets an unmistakable social character: "Seek justice, relieve the oppressed, judge the fatherless, plead for the widow" (1.17).

With the Prophets, the social scope of duty is as wide and as deep as the idea of social justice in its widest implications. The Prophets' immortal demands for righteousness and justice are not a mere wishy-washy plea for a rich man's philanthropy. It is nothing less, as Smith correctly remarks,² than an out-

and-out opposition to the entire social order of their times (and ours). Their demand for social justice can only be satisfied by such a complete re-construction of the entire social system as shall make impossible the exploitation of the great majority of a nation or of mankind by a privileged unscrupulous minority in power. Such an unjust state of affairs, it was the Prophets' burning conviction, is not only a crime against man but a cardinal sin against God. Injustice is truly *lèse majesté* committed against the God of Justice—a divine *lèse majesté*, as it were! The Prophets' God cannot and will not brook injustice. The God of Israel's Prophets, who is Justice—"the Power not-ourselves that makes for righteousness"—insists on being worshipped by man in his "doing justice and loving mercy". He will be satisfied only with a world where "justice flows down like waters and righteousness as a mighty stream" (Amos 5.15).

The scope of the Prophets' idea of duty, therefore, is as broad as social justice itself in the widest sense of this term. Man will never have fully complied with the demands of duty as divinely ordained; man's conscience may and shall never achieve peace, and may never gain atonement—at-oneness with God—until privilege and all its resultant social evils shall have been abolished from the earth, and justice made the basis of every nation's laws and institutions. Until the realization of that state, man must be considered not only as the enemy of his brother but as a benighted sinner before God.

The Messianic Times is the equivalent of the realization of this state of universal justice, in the conception of the Prophets. The chief distinction of the ruler of the Messianic Age, in the ideal conception of the prophets, is that he shall rule in righteousness: "And righteousness shall be the girdle of his loins, and faithfulness the girdle of his reins" (Isa. 11.5). The ideal Zion shall be called "the city of righteousness, the faithful city. Zion shall be redeemed with justice,

and they that return of her with righteousness" (ibid. 1.26-27). Universal peace, the great ideal of the Messianic Age (cf. the immortal vision of the prophetic ideal age, Isa. 2.2-4, Mic. 4.1-4), can only come as the result of the functioning of justice as the fundamental principle within the state and between the nations of the earth. For "the work of righteousness shall be peace, and the effect of justice, quietness and confidence forever" (Isa. 32.17).

And this prophetic demand for social justice, this merciless denunciation of oppression of the masses of the people by the privileged minority in power, voiced by the Prophets, did not cease in Israel with the Prophets. As long as Israel's political life was divided between the rich and the poor, between the powerful and the dispossessed, the denunciation of the former was loud and persistent. In many of the Psalms which are generally assigned to the Persian or Greek periods there is, as Moore observes, "a strident note of class conflict. 'Rich' becomes a frequent synonym for 'wicked'. The rich oppress the poor and rob them by force or fraud; they pervert justice, so that there is no remedy. The distinctive thing in this outcry is that the social strife deepens into a religious cleavage. The poor and humble are in their own consciousness the pious (*hasidim*); they denounce their adversaries as ungodly (*resha'im*, 'wicked', in the religious sense). The ill-treatment they suffer is conceived as persecution for righteousness' sake."³ It was only after the Judaeen aristocracy disappeared, first as a result of the war of 66-72, when many of the well-to-do perished or were sold into slavery, and all classes were impoverished, and, later, as a result of the wars under Trajan, which were disastrous for the Jews in Mesopotamia and for the Greek-speaking Jewry, and, finally, as a result of the war under Hadrian which again devastated Judaea, that, as Moore further observes, of "the old cleavage between the rich and powerful and the poor and oppressed

much less is heard." Only then do we hear of a new division of classes in Jewry, namely, the learned (*Hakamim* or *Talmidè Hakamim*) and the ignorant and religiously negligent masses ('*Amè Ha-Areẓ*).

And even in these later periods, when the sharp cleavage between rich and poor had by force of historic circumstances largely disappeared, the old prophetic sense of social justice is still clearly evident, in, among other instances, the Rabbis' entire conception of charity as but a phase of simple justice. In the very appropriation of the term *Zedaḳah*, originally meaning righteousness or justice, to designate charity in the Rabbinic period, we have a suggestion of the Rabbis' clear appreciation of the modern idea that charity is no less than an act of simple justice, no less than the duty on the part of the well-to-do to the poor and the distressed. We find that same suggestion in the other rabbinic term for charity which was discussed above, namely, *Mizwah*, by which term the act of charity is lifted to the importance of a divine *command*, a religious *duty* ordained by God Himself.

Thus R. Joshua b. Karḥah very solemnly teaches that refusal to give charity is tantamount to idolatry: "Where is the authority for the statement that he who closes his eyes to charity is likened to one who practises idolatry? It is said, (Deut. 15.9) 'Beware that there be not a base thought (*beliya'al*) in thy heart, saying: The seventh year, the year of release, is at hand; and thine eye be evil against thy needy brother and thou give him nought; and he cry unto the Lord against thee and it be sin in thee'; and the Scriptures elsewhere state (ibid., 13.4), 'Certain base fellows (*benè beliya'al*) are gone out from the midst of thee, and have drawn away the inhabitants of their city, saying, Let us go and serve other Gods, etc.' Now, as these base fellows were idolaters and are for this reason called *beliya'al* (taking the word *beliya'al* as a compound of *beli* [without] and '*ol* [yoke],

i.e., they were intent on 'breaking off the yoke' [of God]),⁴ so those people, in our first cited Biblical passage, who would harden their hearts against the poor and in connection with whom the word *beliya'al* is also used, must therefore be considered idolaters."⁵

But charity to the Rabbis was more than the inescapable duty of the individual; with them it was manifestly a *public duty*—the bounden duty of the community. The Rabbis did not deem it sufficient to leave the task of the relief of poverty and distress to the spasmodic benevolence of the individual. For this reason they established very early a most efficient public charity organization in every community, as is evident from the minute and very interesting regulations on the subject of public charity in *Tosefta Peah* (Chapter 4), wherefrom the above teaching of R. Joshua b. Karḥah was culled.

And the Rabbis' underlying principle in their great charity activities, let us note, was that of present-day organized charity, namely, the communal attempt to restore the impoverished individual to the status of a self-supporting member of the community. To see every member of the community self-supporting and therefore self-respecting, was the Rabbis' great desideratum. In line with this idea, we find them, on the one hand, insisting that one must make every effort to avoid becoming a public charge. Among the seven words of counsel which R. Akiba gave to his son Joshua is the following: "Make thy Sabbath (meals) as plain as on a week-day, lest thou become a burden to thy fellowmen."⁶ "A man should rather hire himself out to idolatry", the Rabbis further admonish, "than become a burden to his fellowmen", and the *Gemara* here by an artful play on the word *zarah* explains 'idolatry' (*'abodah zarah*) to mean labor that is strange (*zarah*) to one, i.e., below one's dignity.⁷ In a similar vein, Rab: "Skin the carcass of a dead beast in the market place for hire, and do not say, I am a great man,

it is beneath my dignity.”⁸ And, on the other hand, the Rabbis further insist that the ultimate aim of public as well as private charity must be to assist the individual, who, through no fault of his own, has lost his means of self-support, in such a way as shall make him again self-supporting. Maimonides has truly expressed the paramount ideal of the Rabbis on the subject of charity when he enumerated the eight degrees of charity in a descending scale, naming as the noblest charity of all that sort of charity which we call today preventive charity—that sort of aid that comes in the form of a loan or a partnership in business or a job, which enables the falling individual to become again a self-supporting and self-respecting member of his community.⁹

With such a solemnly dutiful conception of public charity, it is not surprising to find the Rabbis, with all their super-absorption in the study of the Law, refusing to make out of that sacred study an ivory tower of public unconcern. We find the greatest of them taking a most active and prominent part in the difficult labors of collecting and administering the public charities of their respective communities. The *Talmud* mentions in this connection the following great names—Ḥanina ben Teradyon, Akiba, and Jose ben Ḥalafta.¹⁰

In the Messianic visions of the Prophets we note another significant illustration of the social character of the Jewish idea of duty, namely, the emphatic dwelling on the part of the Prophets on the salvation of the nation as a whole rather than on the individuals as such. The ancient idea of group solidarity, to which we referred above, which was ethicized by the Prophets by their translating its original physical significance into the moral idea of social responsibility, became in their hands an eminently useful means for social betterment. The individual's highest good, or, to use the religious term, salvation, is of course the Prophets' tacit and ultimate aim, but that is conceived as resulting from *social*

salvation, that is from the spiritually-healthy condition of the nation as a whole, which in turn can only come about as a direct result of the functioning of the state in accordance with the principle of absolute justice and equity. The individual's primary duty, in accordance with this sound social philosophy is, then, to help make the nation great through social justice, his own individual welfare and salvation flowing as a result therefrom.

It therefore goes without saying that such a decided social philosophy must, on the one hand, deprecate as hypocritical nonsense the idea, current under various decorative names among unscrupulous men of privilege both in ancient and modern times, that the individual can best attain his salvation through the road of so-called 'rugged individualism', which of course results in the exploitation of the majority by the shrewder and unscrupulous minority. Nor would such a consecrated social outlook, on the other hand, brook the 'other-worldly individualism' of the ascetic. For the latter's sole interest is not in the spiritual welfare of his society but in the salvation of his own precious little soul. Toward that spiritually selfish end, the ascetic is ready to segregate himself from his community, ready, in other words, to sacrifice the salvation of his group by renouncing his social responsibilities in behalf of the spiritual improvement of his group.

And this exalted theme of the individual's salvation by the way of social salvation which runs like a golden thread through all the messianic visions of the Prophets, it is needless to state, became part and parcel of the Jewish outlook on life, and explains why in later times, when the notion of the Hereafter became the chief concern of the eastern and western world, and pious men lost all interest in the present life and concentrated all their attention and efforts toward the task of saving their souls for the world to come by the *via dolorosa* of Asceticism, normative Judaism—the Judaism of the Scribes,

the Pharisees and the Rabbis—soberly retained the basic social character of Israel's Faith as originally laid down by the Prophets.

This inflexible identification of the individual Jew with the corporate life of his people, indeed explains why, in spite of the universal and almost irresistible tendencies toward Asceticism that were rife in the centuries immediately before and after the beginning of the Christian era, normative Judaism and the great majority of the Jewish people gave no countenance to the doctrine of individual salvation through asceticism, steered clear of the ascetic notions and practices of hatred and affliction of the flesh and from the ascetic's utter preoccupation with and desperate anxiety for the salvation of the individual soul in the life to come—a preoccupation and anxiety practically unknown in Israel.¹¹ This is true even of the Jewish sect of 'political indifferentists'—the Essenes—despite some of their institutions, notably that of celibacy.¹² "The Essenes", writes Aḥad Ha-'Am, "starting from the eternity of the individual spirit as the most fundamental of all principles, endeavored to hold aloof from everything that distracts attention from the spiritual life. But they never despised or hated the flesh; and Philo says of them that 'they avoided luxuries, because they saw in them injury to health of body and soul.'"¹³ The old Jewish idea of the unitary conception of man's nature did not give way, even in the case of the Essenes, to the ascetic dualism of body and soul. The body was not even eliminated from the future life, but was given a place therein in the Jewish dogma of the Resurrection of the Dead (*Tehiyat ha-Metim*). Nay, in this life the body continued to be thought of by the Rabbis as possessing definite moral or spiritual usefulness, as we had occasion to point out in our discussion of the *Yezer*.

And in accordance with this sound social outlook, we find the Rabbis disapproving of self-imposed abstinence from

wine and other salutary pleasures. Thus R. Simeon ben Lakish teaches that a vow of abstinence is like an iron collar about a man's neck, and one who imposes upon himself such a vow is like one who finds such a collar lying loose and sticks his head into it. In a similar vein, we find R. Jonathan teaching that one who takes such a vow is like one who builds an illegitimate altar, and if he fulfills it, like one who sacrifices upon such an altar.¹⁴ Voicing the same objections, we find R. Isaac protesting: "Are not the things prohibited in the Law enough for you, that you want to prohibit yourself other things?"¹⁵ Again, interpreting Num. 6.11 ('for that he sinned by reason of the dead' [*nefesh*]), which Biblical passage treats of the vows of abstinence of the Nazarite, we find R. Eleazar ha-Ḳappar teaching that the Nazarite had to make an atonement by sacrifice for having sinned against his own soul (*nefesh*) for denying himself wine. Such a man is called a sinner, and, *a fortiori*, if one who has denied himself only wine is called a sinner, how much more the one who denies himself the enjoyment of everything!¹⁶ So Rab, whose teaching on this subject is well known: "A man will have to give account on the Judgment Day for every good thing which he might have enjoyed and did not."¹⁷ We may also recall here Hillel's famous interpretation of Gen. 5.1 ('In the image of God He created man'), in which verse, Hillel finds man's duty to keep his body clean by bathing: "Those who are in charge of the images of kings which are set up in their theatres and circuses, scour them and wash them off, and are rewarded and honored for so doing; how much more I, who was created in the image and likeness of God!—as it is written, 'In the image of God He created man.'"¹⁸ And let us finally note in this connection R. Eliezer's significant death-bed parting words to his disciples. When the disciples of R. Eliezer ben Hyrcanus asked him on his sick-bed the question, What shall I do that I may inherit eternal

life?—he counselled them to be careful about the honor of their fellows, to watch wisely over the education of their children, and when they pray to consider in whose presence they stand.¹⁹ We may profitably compare this counsel with the answer to the same question given by Jesus, who after counselling obedience to the commandments (the Decalogue) advises the questioner to sell all his property and give the proceeds to the poor.²⁰ This distinct other-worldly tendency, so predominant in early Christianity, is significantly conspicuous by its absence in R. Eliezer's statement.

To be sure, as is evident in the teachings and practices of several of the Rabbis of the *Talmud*²¹ and particularly in the works of the Jewish Mystics—the Ḥasidim and Cabbalists of the twelfth and thirteenth centuries, notably in Judah He-Ḥasid's *Sefer Ḥasidim*—owing largely to Israel's specially dire lot of persecution and suffering which always serves as rich soil for ascetic theories and practices, Judaism did not altogether escape the alien ascetic theories and practices. Against the ascetic tendencies of his day, however, Maimonides forcefully voiced the old Jewish sober distaste for ascetic extremes, calling to his aid, as was indicated above, the Aristotelian doctrine of the Mean in all things, and finding this Golden Mean embedded in the Torah, whose laws, he taught in the spirit of the Rabbis, make superfluous the asceticism indulged in by the monks and saints of other nations.²² Equally as emphatic on this subject among our medieval sages was Halevi,²³ among many others. Indeed, it can be definitely stated, and, in fact, is generally admitted as true, that normative Judaism, despite occasional and slight tendencies toward asceticism, never on the whole deserted the social base of the religion of the Prophets; that it remained in the main anti-ascetic; that it did not tolerate the pessimistic notion of the futility of this life; that it did not build its idea of duty upon the ascetic notion of the utter sinfulness and unworthi-

ness of the flesh; that it did not make man's main concern in life an eternal war on the flesh, as did, for instance, Buddhism and early Christianity; and that it did not permit Israel, despite its important interest in the individual's salvation in the Hereafter, to become oblivious of the affairs and concerns of this life. Nay, on the contrary, it forever solemnly called Israel's attention to the great moral and spiritual opportunities for man's development and happiness that are inherent in man's many-faceted social life.

The ancient idea of group solidarity as it was ethicized by the prophets and which gave the individual Jew his emphatically social outlook on life, rendered still another great service to Israel from earliest times. It helped to give the individual Jew a salutary answer to the problem of individual life, as it presents itself to man as a result of the suffering that is his inevitable lot in this 'Vale of Tears'. This problem has from the most ancient days, as Aḥad Ha-'Am explains, led man to the two extremes of Materialism and Asceticism, the former solution leading man to drown his suffering in an intoxication of the senses, in the attempt to make the satisfactions and pleasures of the body neutralize the gnawing dissatisfaction with life; the latter led to the shifting of the center of gravity of man's Ego from the body to the soul and to the seeking of the soul's salvation through the medium of the ascetic castigation of the body. Judaism in its earliest phases, however, "found 'eternal life' on earth", writes Aḥad Ha-'Am, "by strengthening the *social* feeling in the individual, by making him regard himself not as an isolated being, with an existence bounded by birth and death, but as part of a larger whole, as a limb of the social body. This conception shifts the center of gravity of the Ego not from the flesh to the spirit (as Asceticism does), but from the individual to the community; and, concurrently with this shifting, the problem of life becomes a problem not of individual but of social

life. I live for the sake of the perpetuation and the happiness of the community, of which I am a member; I die to make room for new individuals, who will mould the community afresh and not allow it to stagnate and remain forever in one position. When the individual thus values the community as his own life, and strives after its happiness as though it were his individual well-being, he finds satisfaction, and no longer feels so keenly the bitterness of his individual existence, because he sees the end for which he lives and suffers."²⁴

Aḥad Ha-'Am goes on to explain that such a neutralizing of the individual's suffering by the identification of his self with the welfare of his community or his nation, necessitates an end of such importance for the latter as to outweigh in the judgment of the individual his own individual suffering. And this was supplied to the individual Jew in his nation's sublime prophetic ideal of the Mission of Israel (Judaism's primary motive for righteous conduct, which we discussed above), which obligated Israel to live as a 'kingdom of priests and a holy nation'—as "a nation consecrated from its birth to the service of setting the whole of mankind an example by its Law." In being an Israelite, one was thus a member of a nation that exists for a lofty purpose. This made the individual Jew believe himself "lifted above oblivion by his share in the nation's imperishable life."²⁵

The individual in Israel thus reaped a double blessing out of Judaism's basically social philosophy. That it assured for him greater justice we saw earlier in this chapter, and we now see that it rendered him still another invaluable good—it served him as a potent antidote against the pessimism-breeding sorrow growing out of the inseparable suffering of human existence, and particularly out of his constant awareness of the lamentable brevity of his individual existence.

Is it then strange that this emphatically social outlook on life—this redeeming prophetic doctrine of the individual's

salvation *via* social salvation—should appear even in the Jewish conception of the Days of the Messiah, or even in the Jewish ideas of the Hereafter? “What the Jew craved for himself”, writes Moore, “was to have a part in the future golden age of the nation, as the prophets depicted it, the Days of the Messiah, or in the universal Reign of God, or in the Coming Age—always in the realization of God’s purpose of good for his people. It was only so, not in some blissful lot for his individual self apart, that he could conceive of perfect happiness. The idea of salvation for the individual was indissolubly linked with the salvation of the people. This continued to be true in the subsequent development of eschatology and gives its peculiar character to Jewish ideas of the hereafter.”²⁶

We may properly conclude this chapter with a word apropos of the extreme individualism, pessimism and gentle cynicism of the ‘Gentle Cynic’ of the Old Testament. The distinct strain of pessimism in Ecclesiastes, striking such a discordant and non-Jewish note in the Bible, is explained by the famous Preacher’s complete desertion of the traditional Jewish social ground. The reader will recall in this connection our discussion, at the end of Chapter I, of the various kinds of happiness, and of moral happiness as the inevitable and great result of a life devoted to social and noble ends. It was no doubt the said desertion that inevitably made way for our Preacher’s individualism, his lack of social interest, his total lack of any social outlook upon life—and for his cynicism and pessimism. “He does not relate himself”, writes Smith of our Gentle Cynic, “in any way to the social order; he is an unrelated individual . . . He has no conception of himself as a part of an ongoing stream of humanity which he may broaden and deepen by the contribution of his own personal endeavor . . . He is a representative of individualism gone to seed. With all his attention and energy focused on him-

self, the fountains of his life-energy are stopped up . . . This is one of the most conspicuously non-Jewish aspects of Qohelet's teaching; for the Jew was essentially socially minded. He lived not only for himself but also for Jewry and its glory."²⁷

As is well known, Qohelet was saved for the Jewish Canon because of its later interpolations, which made it breathe forth, at least to some extent, the old redeeming Jewish social spirit. We of course refer especially to the last-but-one famous verse at the end of the book, which truly states the Jewish *Summum Bonum*—the Jewish 'way' to man's salvation—the way of Duty: "The end of the matter, all having been heard: fear God, and keep His commandments: for this is the whole man."

CONCLUDING REMARKS

Our task is done.

We have examined the idea of duty in Jewish ethics. We have viewed the ethics of Judaism from the important aspect of duty.

The idea of duty being ethically so all-embracing, we were obliged to traverse many highways and by-ways of the great labyrinth of Judaism in order to gain a comprehensive view of our subject. We often had to take paths circuitous, in order to prove this or that point, in order to describe the one or the other important phase of our broad subject as it is conceived in Judaism. We have not, however, allowed our main idea to be lost in the details of our subject, though the latter were necessarily numerous. The main principles of our subject, we believe, stand forth so that he who runs may read.

We have found that because the moral law is primary, ultimate and fundamental in Judaism, duty, which is man's active expression of the moral law, is necessarily likewise primary, ultimate and fundamental therein. We have therefore found many points of similarity between the Kantian and the Jewish conception of duty. The Jewish conception of the moral law, though not literally independent of God, as Kant's conception of the autonomy of the moral law would apparently have it, approximates to a great extent (as we have seen) the Kantian idea of autonomy,—in the sense that the moral law in Judaism is conceived as absolute, as fundamental in the universe ("I have set justice as the measuring line and righteousness as the standard"); in the sense that

God Himself is identified with the moral law, both as its ultimate author and as being absolutely bound by it ("Will the Ruler of the whole earth fail to do justice!"); in the sense that the moral law in the conception of Judaism precedes the Sinaitic Revelation, or as the medieval Jewish philosophers, in their elaboration of the Rational and Traditional Commandments, have it, that the primary (both in time and importance) source of the Law is the moral law—Revelation and Tradition being but its secondary sources; in the sense that in the Rabbinic conception the moral law supersedes the ritual law; in the sense, finally, that in Judaism man is conceived as having been created in the spiritual and moral image of God, which conception transforms God's moral law into man's own law—the law of his own being, of his own will—the law which he himself has in effect autonomously laid down for himself.

The reader will recall the Midrashic story which tells that the Sinaitic Law was offered by God to all the nations of the earth, but that they all refused it, since they were not morally prepared to renounce the cardinal sins of idolatry, incest and murder, and that Israel alone willingly accepted it. Israel thus accepted the Great Duty of its own free will and thereby made the Divine Law its own law. In further proof of this point, we have also alluded to, among much other confirmatory material, the Covenant relation between Israel and God as being thought of in Judaism as of a voluntary nature. Israel accepts its duty to be God's Servant People for the Nations as self-imposed.

Kant called duty the Categorical Imperative—man's Inescapable Must, so to speak. In this solemn and imperious characterization of duty, Kant but revealed the strong Hebraic influence upon his moral philosophy. In this characterization is but mirrored the commanding voice of duty in the Jewish prophet's Call—to speak the word of God, the burning words

of justice, no matter what the sacrificial consequences to his own person. Though this may spell the Pit. Though this may make of him a man of "labor and sorrow". Even though, in the famous phrase of the Rabbis, this would entail *Kiddush ha-Shem* in its most severe expression: the forfeiting of his very life. And to the ordinary individual no less than to the prophet or leader, this categorical imperative—this profound sense of individual responsibility—applies with equal force and finality, in the conception of Judaism. Every man is to regard himself individually responsible as though the whole human race depended on his conduct!—"Every man is bound to say, 'On account of *me* was the world created.'"

Kant's conception of duty stresses the purity of motive in the dutiful act. The motive that makes for and leads to the performance of duty must be 'disinterested'—pure, untainted by self-seeking considerations. The performance of duty must be for duty's sake.

How abundantly has this purity of motive been revealed in all that has been brought forward here concerning the religio-ethical motive behind the Jewish idea of duty—in our discussion of the chief ideal or motive for righteous conduct, from which all the other described Jewish motives inevitably flow: Israel's solemn self-dedication to live the sacrificial life of a "a People of Priests and a Holy Nation", or, in Deutero-Isaiah's famous expression, as "a light to the nations, to be My salvation to the ends of the earth . . . to open the eyes of the blind, to bring forth the prisoner from the dungeon, and them that sit in darkness out of the prison house"! And how evident this in all the other Jewish ideals and motives for moral conduct, discussed above, which were taught and held aloft by Jewish priest, prophet, psalmist, Rabbi and philosopher, namely, the motives of *Imitatio Dei*, of sympathy, humanity, justice, love, the *le-shemah* and *le-shem Shamaim* motives, all these in turn leading up to that

supreme, distinctively Jewish motive which brings the test to them all—that of *Kiddush ha-Shem* in its profoundest expression of martyrdom in the cause of duty!

Duty in its highest expression knows of no sectarian or national limitations. Duty must be universal—broad as humanity. Judaism was the first religion that struck the universal note. In picking faults with this or that narrow nationalistic statement found in the Hebrew Bible, the biased critic forgets that only in this very same Bible and nowhere else could be found during those barbaric times a clarion call for a universal conception of duty, one that embraces humanity, that takes within its broad embrace even a Nineveh! Our biased critic is oblivious of the fact that only in that very Jewish Bible and nowhere else could one find the incredible dedication, almost at the dawn of history, of a puny people to the sublime world task of making “the right to go forth to the nations . . . He shall make the right to go forth according to the truth. He shall not be crushed, till he have set the right in the earth”. That only there was voiced the sublime doctrine of the unity of all mankind, in the ringing universal declaration: “Have we not all one Father, has not one God created us all!” That only there is this common brotherhood of man further stressed in the tracing by the Biblical seer of all man’s ancestry back to one human progenitor: Adam-Man. And in this very spirit the Rabbis—the successors to the unique universal spirit of the Bible—teach that all men, notwithstanding their different appearance, were stamped by God with one seal—the seal of Adam. “Why was only a single man created?”—The Rabbis’ answer is, “that no one shall be able to say, My forefather was greater than yours.” All men (*beriyot*) because of their similar origin and common humanity are born equal. And in the same universal spirit, as is well known, the Rabbis teach that the

righteous Gentile, whom they considered as great as the High Priest, has a share in the World to Come.

Duty to be worthy of the name, and in order that it may bring socially-beneficent results, must express itself primarily in social terms. That was brought out as far as Judaism is concerned in our last chapter. The expression of duty in Judaism is nothing if not eminently and emphatically social. This is universally conceded and deservedly commended by the unbiased student of Judaism. In the Jewish Prophets' conception of duty, duty is identical with justice and mercy and love and humanity. The supreme ideal of the moral life in Judaism is social justice: "Justice, justice, shalt thou pursue!" The great ideal of the Messianic Age as taught by the Prophets is universal peace, which is to come as the inevitable result of social justice: "For the work of justice shall be peace, and the effect of righteousness, quietness and security forever". Religion itself is identified by the Jewish prophet with justice and mercy and humility: "It hath been told thee, O man, what is good, and what the Lord doth require of thee: Only to do justly, and to love mercy, and to walk humbly with thy God"—in which famous prophetic statement the Rabbis find all the traditional six hundred and thirteen laws of Judaism epitomized. And for the very reason that "the poor shall always be with thee", owing to the tragic fact that your community or state has not as yet grown decent enough to function in justice and equity, it is your sacred duty to practice the art of true charity as a simple demand of *zedakah*—of simple justice.

Greek ethics starts out with the quest for happiness, which it considers as man's *summum bonum*, and in its highest expression ends by finding that the way to attain the highest happiness is by way of nobility of character or duty. Judaism begins and ends with Duty—with the supremacy in human life of the moral law: "The beginning of wisdom is the fear

of the Lord, and shunning evil, that is understanding." "The end of the matter, all having been heard: fear God and keep His commandments, for this is the whole man." This is according to Judaism 'the way'—the only way—for man. This is 'the whole man'. This out-and-out dedication of man to morality—to duty—may or may not spell individual happiness in the popular meaning of this term. No matter! Duty is man's bounden duty nevertheless. It is man's inescapable law, by which he must live—and die, if necessary. Even on the supposition that "it were better if man had not been created"—even if man's brief earthly pilgrimage be strewn with thorns and thistles, and sorrows, man must nevertheless conduct that hard pilgrimage by the difficult but soul-lifting regimen of Duty.

Judaism from of old championed the doctrine of the basically social character of human nature—the belief (to use the religious expression) of the innate goodness of man. Man, according to Judaism, is by nature a social creature—in the richest moral meaning of this term. Thus the supreme Impulse to the Good by which man redeems his life as man, Judaism finds deeply implanted in man's own self—in man's own overly much-maligned human nature—in man's own *Yezer* that is indeed Inclined to Evil but is also possessed of the Inclination to the Good. Judaism looks upon human nature, in the true modern conception of it, as a great complex *unity*. Man is not born depraved. Man is not fundamentally self-seeking. The urge to the good—to duty—does not come from outside of man—by way of a divine redeemer. Nor is it imposed upon him by external force. It is all pre-natally embedded in the social, 'other-seeking' potencies of his own soul, only needing the Perfect Medicine—the *Sam Tam*—of the Law to bring it forth. In modern phraseology, only needing the development of moral habit—moral influence—spiritual and moral discipline. By its aid, so Judaism insists,

the *Yezer Tob* can and must gain mastery over the *Yezer Ra'*. By its aid man's *Yezer Ra'* can and must be absorbed into the *Yezer Tob*. Indeed, on the potent possibilities of man's *Yezer Tob*—on 'the moral law within'—Judaism bases its unshakable and inspired hope that man will in the end transform this mad, war-torn, hate-ridden little world of his into an habitation of peace and spiritual fulfillment.

By its fruits shall it be judged!

The Jewish deep sense of duty which was described in these pages brought forth on the scene of history the Jewish Prophet—the fearless champion of the One God of Righteousness, of the unity and common brotherhood of all men, and of uncompromising social justice as the *sine qua non* for universal well-being and peace—inseparable doctrines all of Jewish Ethical Monotheism, the precious legacy of the Prophets of Israel.

The Prophet!—He is the Jewish Superman of Bible times! And what a world of difference between this eternally inspiring Jewish Superman and the Blond Beast of the Nietzschean Philosophy, arrogant specimens of which Superman-Type are now carrying out in full fury this beastly philosophy in Nietzsche's own land—the former land of Lessing and Kant! The Blond Beast, with his brutal disregard of the welfare and freedom of the masses of mankind, whom he has no scruples to sacrifice on the altar of his fiendish ambitions!—And the Jewish Biblical Superman, who was forever prepared to give up his own personal ambitions, his worldly comforts, his very life for the spiritual betterment of mankind, particularly for the weak, the dispossessed, and the heavy-laden!

In Rabbinic times Israel developed the Rabbinic Superman—the *Hasid*, whose many lofty social virtues were described in these pages: his profound humaneness, humility, kindliness; his determination to treat his neighbors in accordance with his exalted principle of *lifnim mi-shurat ha-din*: beyond the

boundaries of mere legal right, boundaries that extend to 'the paths of the righteous'. The *Hasid*, with his exalted motto: 'What is mine is thine, and what is thine is thine'—to whom worldly goods were of little concern, to whom the love and pursuit of learning and the acquisition of the spiritual values were the *alpha* and *omega* of his earthly pilgrimage!

We had occasion to view this Jewish Gentleman of Rabbinic tradition alongside of the Greek Gentleman as described by Aristotle—intellectual, forsooth, but aristocratic, proud and aloof. To which type of nobility must the democratic spirit of today give preferment? And which one of these social attitudes must the true modern democrat make his own?

As for the Jew, it is patently true that throughout the ages the great ideal of every conscientious Jew was to model his life on the supreme pattern of this Ideal Man of Jewish tradition.

And so: "The end of the matter—all having been heard . . . this is the whole man":—*Duty*—in the deepest and most exalted meaning of this great word.

Thus spoke, and still doth speak the Ethics of Judaism.

NOTES



NOTES

INTRODUCTION

1. After this study was completed, we were apprized of the arrival in this country of a new book which dealt exactly with our subject (*Der Pflichtbegriff in der Ethik des Judentums*, by Dr. Alexander Ehrenfeld, Bratislava 1932). Cf. below, Note 3.
2. To this important subject the present writer hopes to return some day in a special study.
3. That Dr. Ehrenfeld's ways of approach to our subject are quite different, is interesting indeed in view of this opinion of ours which was written before the existence of Dr. Ehrenfeld's work on our subject was known to the present writer.
4. In the interest of economy of space, we were obliged to regretfully omit most of the Talmudic and Midrashic quotations which were also given in the original in the footnotes of the manuscript of this work.
5. Abot VI, 6.
6. Berakot 63b.

CHAPTER I

1. To be discussed below, Chapter IV.
2. *Ethics*, p. 385, which see on the whole.
3. On the social instincts or the social self, see Wm. McDougall, *An Introduction to Social Psychology*, Chs. III, VI and VIII, and Charles Horton Cooley, *Human Nature and the Social Order*, Chs. V and VI.
4. *Ibid.*, p. 386.
5. *Ibid.*, p. 378.
6. *Inquiry Concerning the Principles of Morals*, David Hume, Appendix II, end, quoted by Frank Thilly, *Introduction to Ethics*, p. 265.
7. Dewey and Tufts, op. cit., p. 380.
8. Op. cit., p. 228.
9. *The Descent of Man*, Charles Darwin, p. 120, quoted by Thilly, *ibid.*, p. 222.
10. See the present writer's *Justice and Judaism in the Light of Today*, New York, 1928, Chapter I, pp. 7-27.
11. Op. cit., p. 380.
12. For an excellent criticism of Kant on this subject, see Dewey and Tufts, op. cit., pp. 241-246; 309-317; 346-352.
13. See Plato, *Gorgias*, 482-4.
14. Op. cit., pp. 372-3.
15. *Kant's Theory of Ethics*, tr. by Abbott, p. 10, quoted by Dewey and Tufts, *ibid.*, p. 241.

16. Ibid., p. 16 (Dewey and Tufts, p. 243).
17. Op. cit., p. 244.
18. Ibid., p. 250.
19. Ibid.
20. Ibid., p. 316.
21. Ibid., p. 300.
22. *Ethics*, Book II, ch. IX, quoted, *ibid.*, p. 306.
23. Ibid., p. 307.
24. Ibid., p. 321.
25. *Kant's Theory of Ethics*, Abbott's Translation, p. 311.
26. Ibid., p. 335.
27. Ibid., p. 322.
28. Ibid.
29. Ibid., p. 323.
30. Ibid.
31. Ibid.
32. Ibid., p. 343.
33. Ibid., p. 346.
34. Ibid., p. 362.
35. Ibid.
36. Ibid., p. 350, italics ours.
37. Op. cit., p. 110.
38. Dewey and Tufts, op. cit., p. 352.
39. Ibid.
40. Ibid.
41. Ibid., p. 361.
42. Ibid.
43. Ibid., pp. 361-362.
44. Ibid., p. 363.
45. That the Rabbis fully realized this profound ethical truth, we may note right here, is evident from the well-known statement (Berakot 64a) of R. Hiyya bar Ashi, who reported it in the name of Rab, with reference to Ps. 84.8: "The wise have no rest in this world nor in the world to come, for it is said, (Ps. 84.8) 'They go from strength to strength.'"
46. *Kritik of Practical Reason*, Part II, Abbott's Translation, p. 260.
47. Dewey and Tufts, op. cit., p. 301.
48. Ibid., pp. 395-397.
49. See below, Ch. V, pp. 213-214.
50. Job I, 1 and *ibid.*, ch. 31.
51. Cf. Job. 27.2-6; 31.33-34, 14, 23; and cf. Moses Bottenwieser, *The Book of Job*, 1922, pp. 56-58. So also Maimonides, *The Guide for the Perplexed*, III, Ch. 23, M. Friedländer's English Translation, 1928, pp. 300-301.
52. Job 42.9-11.
53. Compare Maimonides' discussion of the four types of human perfection, op. cit., III, Ch. 51.
54. *Ethic: from the Latin of Benedict De Spinoza*, English Translation, W. H. White, Fourth Edition, 1927, p. 194.
55. Henry Barker, Art., *Duty*, *Hastings Encyc. of Religion and Ethics*, V, 119f., which see on the following.

56. Ibid.
57. See Zeller, *Stoics*, English Tr., pp. 287-290, and Notes, to which Barker also refers.

CHAPTER II

1. See Julian Morgenstern, *The Book of the Covenant*, III, H. U. C. A., Vols. VIII and IX (1932), pp. 73f., where the historic reason that is advanced therefor is the temporary domination of Israel's life in the post-exilic period by the priestly hierarchy and the latter's insistence on attributing the origin of all the laws of the existing Code, be they ritual, judicial, or moral, to the Deity, with itself as the only authoritative divine medium of all those laws. This later universally accepted dogma of the common divine origin of all the laws of the Torah, made the retention of the original meanings of the specific terms for the various kinds of law superfluous, and hence these were in time mostly forgotten. In further connection with this temporary domination of Israel's religious life by the priestly hierarchy, the student may profitably read the very informing monograph of J. Z. Lauterbach, "The Sadducees and Pharisees, A Study of their Respective Attitudes towards the Law", in *Studies in Jewish Literature*, Kohler Anniversary Volume, Berlin, 1913, pp. 176-198, wherein is traced the growing predominance of the lay and liberalizing influence in later Jewish life, effected by the *Hakamim* (lay scholars) and their spiritual successors, the Pharisees.
2. *Judaism in the First Centuries of the Christian Era, The Age of the Tannaim*, George Foot Moore (1927), Vol. II, p. 171.
3. Pesahim 112b — מצוה וגוף גדול עושה פירות ולו שכר.
See the emendation of this text, Jastrow's Dictionary, s. v. גוף.
4. Succah 25a — שלוחי מצוה פטורין מן הסוכה.
5. Shabbat 156b — מצוה עבדת.
6. Pesahim 112b — מצוה לשנאתו.
7. Abot IV. 2 — מצוה גוררת מצוה.
8. Shabbat 150a — חשבונות של מצוה מותר לחשבון בשבת.
9. Lev. Rabbah, 34, 14 — כל עמא יפלגין מצוה.
10. Ibid., 34, 4 — תו לי מצוה.
11. *The Book of the Covenant*, II, H. U. C. A., Vol. VII (1931), p. 23.
12. Ibid.
13. Shabbat 25b.
14. Hullin 106a — לא חובה ולא מצוה אלא רשות.
15. The relationship between this Jewish authoritarian view of duty and the ethically important idea of the autonomy of the moral law or duty, which is also inherent in Judaism, will be discussed below, Chapter III, pp. 132f.; and cf. also, above, end of Chapter I, pp. 53f.
16. Eccl. 12.13 — סוף דבר הכל נשמע, את האלהים ירא ואת מצותיו שמור,
כי זה כל האדם.
17. See Sheldon Blank, "A Study of the Hebrew Terms for Law", H. U. C. A., Vol. VII (1931), pp. 259-283.

18. Op. cit., Vol. I, p. 263.
19. *The Canon of the Old Testament*, Herbert Edward Ryle, 1892, p. 32.
20. Gen. 46.28: "And he sent Judah before him unto Joseph to point out (*le-horot*) the way before him unto Goshen".
21. Judg. 13.8: "Let him direct us (*we-yorenu*) what we shall do unto the child that shall be born."
22. Cf. Josh. 18.6; I Sam. 20.36f.; 14.3, 18, and *ibid.* 14.41-42 (LXX version); also I Sam. 28.6, which mentions three ways in which a message from God might normally be received, viz., "by dreams, by Urim, by prophets".
23. *The Book of Exodus*, A. H. McNeile, Westminster Commentaries, p. 183.
24. Art., "Law in the Old Testament", S. R. Driver, *Hastings Dictionary of the Bible*, III, 64-73.
25. For other examples where *torah* means ritual direction, cf. Hag. 2.11; Ezek. 44.23 (cf. Lev. 14.5-7); 22.6; 7.26, and Zeph. 3.4.
26. Op. cit., p. 28.
27. Though both of these terms may not be original here, as Morgenstern suggests, and may be later insertions of RE or RD, it nevertheless confirms the fact that the term *torah* connotes at least in the last mentioned sources judicial direction or judicial *torah*.
28. *Hibbert Lectures*, Claude G. Montefiore, pp. 45, 64.
29. Deut. 1.5; 4.8, 44, et passim.
30. Ezr. 3.2; Neh. 8.1; 1 Chr. 16.40 (with reference to Ex. 29.38f.); 2 Chr. 31.3; 31.21.
31. See below, Chapter III, pp. 86f., 96ff., 119-120.
32. Cf. the Sifra, Aḥarē Mot, Perek 13, ed. Weiss, 86a.
33. *The Book of the Covenant, II, The Mishpatim*, H. U. C. A., Vol. VI (1928), pp. 31-258, and *ibid.*, III, *The Huqqim*, *ibid.*, Vols. VIII and IX (1931), pp. 1-151.
34. E.g., Ex. 21.1, which begins with "And these are the *Mishpatim*, etc.", and which introduces the list of the civil laws (Ex. 21.2-22) in the so-called Book of the Covenant.
35. Cf., for instance, Isa. 1.11; 30.18; Gen. 18.25.

CHAPTER III

1. Isa. 28.17 — ושמתי משפט סקו וצדקה למשקלם.
2. Op. cit., p. 51.
3. Article, "Religion of Israel", E. Kautzsch, *Hastings Dictionary of the Bible*, Extra Volume, p. 686b.
4. *Ibid.*, p. 685a.
5. *Commentary on Leviticus*, The Century Bible, A. R. S. Kennedy, ad loc.
6. *The Theology of the Old Testament*, A. B. Davidson (1907), pp. 315-316; cf. also, S. R. Driver and H. A. White, Art., "Atonement, Day of", H. D. B., I, pp. 199-202, especially the second note on p. 201b.
7. *Ibid.*, p. 35; cf. also for a more detailed explanation of P.'s em-

- phasis on the ritual, Julian Morgenstern, *The Book of the Covenant, III, The Haggim*, H. U. C. A., 1931, pp. 7 ff.
8. Op. cit., p. 722.
 9. Ibid., p. 725b.
 10. On the meaning of the OT expression of 'fear of Yhwh' as representing the true worship of Yhwh rather than the idea of being afraid of God, see below, Chapter V, pp. 196ff.
 11. הו יראת ה' היא חכמה וסוד מרע בינה.
 12. *The Book of Job*, Moses Buttenwieser, p. 60.
 13. Op. cit., pp. 731-732; cf. 2.24; 3.12f., 22; 5.17; 8.15; 9.7f.; 11.8.
 14. Ibid., p. 732.
 15. Deut. 22.11; Lev. 19.19.
 16. Deut. 25.7-10.
 17. Lev. 16.
 18. Yoma 67b; Sifra, Aḥarè Mot, Pereḳ 13 (ed. Weiss, 86a).
 19. *The Ethics of Judaism*, Moritz Lazarus, Eng. Trans., Henrietta Szold (1900), Part I, p. 119.
 20. See J. H. Greenstone, Art., "Laws, Noachian", J. E., VII, pp. 648-650.
 21. Gen. Rabbah 16, 9.
 22. Sanhedrin 56b.
 23. Cf. ibid.
 24. Sanhedrin 56a — ח"ר, שבע מצות נצטוו בני נח, דינין וברכת השם ע"א — גילוי עריות ושפיכת דמים ונזל ואבר מן החי.
 25. See below, pp. 96ff.
 26. Mishnah Yoma VIII, 9 (cf. Sifra, Aḥarè Mot, Pereḳ 8 [ed. Weiss, 83a.]; Yoma 87a.) — עבירות שבין אדם למקום יוה"כ מכפר, עבירות — שבין אדם לחברו אין יוה"כ מכפר עד שירצה את חברו.
 27. Rosh ha-Shanah 17b.
 28. Kiddushin 40a. The translation given here of the verses quoted is in accordance with their homiletic interpretation. The accepted translation of *imeru zaddik ki tob* is: "Say ye of the righteous, that it shall be well with him", and of *oi le-rasha' ra'*: "Woe unto the wicked! it shall be ill with him."
 29. Mishnah Yoma VIII, 5f.; Yoma, 82f.
 30. Yoma 82a — שאין לך דבר שעומד בפני פקוד נפש חוץ מעבירות — כוכבים וגילוי עריות ושפיכת דמים.
 31. Lev. 18, 5, 'Abodah Zarah 27a — וחי בהם ולא שימות בהם.
 32. Yoma 83a (M. Yoma VIII, 6) — וכל ספק נפשות דוחה את השבת.
 33. Ketubot 5a.
 34. Yoma 85b (so the earlier source, Mekilta, on Ex. 31.13) — כי קדוש הוא לכם. היא מסורה בידכם ולא אתם מסורים בידה.
 35. Op. cit., Vol. II, p. 31, Note 1.
 36. Yoma 84b.
 37. See Shabbat 134a, end.
 38. Shabbat 30b — נר קרויה נר ונשמתו של אדם קרויה נר. מוטב תכבה נר של בשר ודם מפני נרו של הקב"ה.
 39. Berakot 63a — ככל דרכיך דעהו, וגו'. אמר רבה, אפילו לדבר עבירה.
 40. Ketubot 5a.
 41. Shabbat 31a — דעלך סני לחברך לא תעביר, זו היא כל התורה ואירך פירושה הוא. זיל גמור.

42. Op. cit., Vol. II, p. 87.
43. Sifrè, on Deut. 32.29 — קבלו עליכם עול מלכות שמים, והכריעו זה את זה ביראת שמים והתנהגו זה את זה בנמיילות חסדים.
44. Cf. below, Ch. VI, Note 87.
45. Mekilta, on Ex. 20.13.
46. Jer. Berakot I, 5; and cf. Taylor, *Sayings of the Jewish Fathers* (*Pirkè Abot*), 1877, Excursus IV ("Qeriyath Shema"; The Decalogue"), pp. 130-137.
47. See on the following Isaac Husik, *A History of Mediaeval Jewish Philosophy* (1930), s. v. "Laws".
48. Part III, entitled, "Command and Prohibition". This work was written in Arabic in 933 during Sa'adia's seclusion in Bagdad, and was translated into Hebrew by Judah Ibn Tibbon. Sa'adia also dwells on this subject in his Introduction to his Arabic Biblical Commentary on Proverbs.
49. *Emunot we-De'ot*, Yozefov edition, p. 103.
50. Ibid., Chapter 1, pp. 105-107.
51. Ibid., Ch. 2; pp. 107-109.
52. "Saadya's Philosophy", in *Essays in Jewish Philosophy*, David Neumark (1929), p. 207.
53. Ibid., Ch. 8.
54. Ibid., Ch. 10, pp. 121-122.
55. Concerning which see below, pp. 135ff.
56. Ibid., Part V, Chapter 2, p. 165.
57. Written very likely in the first half of the 12th century and translated into Hebrew by Judah Ibn Tibbon.
58. Op. cit., p. 81.
59. We follow the translation of Moses Hyamson, *Duties of the Heart by Bachya ben Joseph ibn Paquda (Introduction and Treatise on the Existence and Unity of God)*, New York, 1925.
60. Ibn Tibbon — מצות שמחייב בהם השכל אפילו אם לא חייבה בהו התורה.
61. Sanhedrin 106a.
62. Op. cit., p. 82.
63. This work was written in Arabic and rendered into Hebrew by Judah Ibn Tibbon, "the Father of the Hebrew Translators". For a discussion of Halevi's *Kusari*, see the Introduction to the English Translation of the *Kitab Al Khazari* by Hartwig Hirschfeld, N. Y., 1927, and Husik, op. cit., "Judah Halevi", Chap. X, pp. 150-183.
64. Op. cit., p. 158.
65. *Kusari*, Part I, par. 67.
66. Ibid., I, pars. 83ff.
67. Ibid., par. 84.
68. Ibid., par. 99.
69. Ibid., II, pars. 46-48. We follow Hirschfeld's Translation.
70. II, par. 26.
71. Ibid., par. 49.
72. Ibn Daud's philosophic work was written in 1161 in Arabic. The original is lost. There are two Hebrew translations of it, the first of which was published by Simon Weil, Frankfort, a.m., in 1852, with a German translation.
73. *Emunah Ramah*, ed. Simon Weil, pp. 102-104.

74. This work was written in Arabic, and was translated into Hebrew by an unknown translator.
75. *Der mikrokosmos des Joseph Ibn Saddik*, ed. Dr. S. Horovitz, 1903, Part IV, p. 62.
76. *Ibid.*, p. 64.
77. *Ibid.*, p. 63.
78. *Ibid.*, p. 64.
79. *Ibid.*, p. 62.
80. This work was written in Arabic and translated into Hebrew by Samuel Ibn Tibbon, "the Prince of the Medieval Translators", who also translated Maimonides' *Moreh Nebukim*.
81. See Joseph I. Gorfinkle, *The Eight Chapters of Maimonides on Ethics (Shemonah Peraḳim)*, Columbia University Press, 1912, p. 77, note 3 and p. 78, note 3.
82. See below, Chapter IV, Note 54.
83. See above, Note 18.
84. *Moreh Nebukim (The Guide for the Perplexed)*, translated by M. Friedländer (whose translation we follow here), New York, E. P. Dutton & Co., 1928, III, Chs. 26, 27, 31, et passim.
85. *Ibid.*, III, Ch. 26 (Friedländer, pp. 310ff.).
86. *Ibid.*, ch. 26 (Friedländer, p. 312).
87. *Ibid.*, ch. 27 (Friedländer, p. 312-313).
88. *Ibid.*, chs. 28 and 50 (Friedländer, pp. 313-315; 380-384).
89. *Ibid.*, ch. 31 (Friedländer, p. 322).
90. *Ibid.*, ch. 51 (Friedländer, p. 381).
91. *Ibid.*, ch. 37 (Friedländer, p. 328).
92. *Ibid.*, ch. 48 (Friedländer, pp. 370-372).
93. *Ibid.*, ch. 49 (Friedländer, pp. 372-380).
94. *Ibid.*, ch. 37 (Friedländer, pp. 332-338).
95. *Ibid.*, chs. 35ff. (Friedländer, pp. 329ff.).
96. *'Ez ha-Hayyim* was published by Delitzsch and Steinschneider, Leipzig, 1841. This discussion is found in Chapters 101-102, pp. 177-181; Aaron ben Elijah also discusses the Biblical commandments in his later work, the Karaite Code, *Gan 'Eden (The Garden of Eden)*.
97. *Hermann Cohens Jüdische Schriften*, Berlin 1924, p. 30; cf. his *Religion der Vernunft*, 2nd Edition, Frankfurt am Main, 1929, pp. 142, 381.
98. "Das Problem der jüdischen Sittenlehre, Eine Kritik von Lazarus' Ethik des Judentums", *Jüdische Schriften*, III, pp. 1-35.
99. *The Ethics of Judaism*, Part I, pp. 135-136.
100. *Ibid.*, Part II, p. 13.
101. Cf. Lazarus, op. cit., Part I, Appendix, note 14, pp. 274-276, and see below, Chapter VI, pp. 271f.
102. Cf. *ibid.*, Part II, pp. 14-15.
103. Cf. his "Innere Beziehungen der Kantischen Philosophie zum Judentum", in *Hermann Cohens Jüdische Schriften*, I, pp. 284-305.
104. *Jüdische Schriften*, III, pp. 18-19.
105. *Ibid.*, I, pp. 291-293.
106. Kiddushin 31a — גדול מצווה ועושה ממי שאינו מצווה ועושה.
107. On this 'methodic' difference in Cohen's system, see, for instance,

- his *Der Begriff der Religion im System der Philosophie*, Ch. III ("Das Verhältniss der Religion zur Ethik"), pp. 32-84.
108. See his "Hermann Cohens methodische Begründung des Judentums", in *Monatsschrift für Geschichte und Wissenschaft des Judentums* (1914), Vol. 58, pp. 1-15; 129-142; and his "The Religion of Reason", *The Reflex*, Sept. 1927, pp. 26-32.
 109. Op. cit., Vol. II, p. 7.
 110. Op. cit., Vol. III, Note no. 189, p. 142.
 111. Op. cit., Ch. VI, p. 95.
 112. Ibid., p. 97.

CHAPTER IV

1. See on the following, C. F. Porter, '*The Yezer Hara*', *A Study in the Jewish Doctrine of Sin*, in *Yale Biblical and Semitic Studies*, N. Y., 1901, pp. 91-156; S. Schechter, *Some Aspects of Rabbinic Theology* (1909), Chs. XV and XVI, pp. 242-292; Charles Taylor, *Sayings of the Jewish Fathers*, 1877, pp. 51-52; 77-78; 142-145.
2. Op. cit., p. 108.
3. Op. cit., p. 243.
4. See Porter's criticism of Weber's misconception of the Rabbis' Good-and Evil *Yezer*, *ibid.*, pp. 98-107.
5. Porter, *ibid.*, p. 110.
6. Baba Batra 16b, 17a.
7. M. Berakot, IX 5; Berakot 54a; Sifrè, on this verse; cf. Midrash Tehillim, ed. Buber, p. 274, Yalkut, Psalms, #836.
8. Sukkah 52a; cf. Berakot 61a, with reference to Eccl. 10.1.
9. Op. cit., pp. 255f.
10. Eccl. Rabbah 1.16.
11. Op. cit., p. 111.
12. Kiddushin 81a.
13. Yoma 35b.
14. Abot II, 11; IV, 21. (Our verse numbers of *Abot* are those of the regular Mishnah editions.)
15. See his valuable note on this verse, defining the *Yezer*, op. cit., pp. 77-78.
16. Sifrè, on Deut. 6.6.
17. Shabbat 105b.
18. Gen. Rabbah 22.13.
19. Gen. Rabbah 36.3.
20. Sifra (ed. Weiss), 86a.
21. Abot IV, 22.
22. Yoma 69b. To this highly significant passage we will have occasion presently to refer in more detail.
23. *Guide*, I, Ch. 12.
24. See L. Ginsburg, "Antoninus in the Talmud", J. E., I, 656-657.
25. Sanhedrin 91b; also Ex. Rabbah 34.12 and Jer. Berakot 6d.
26. Eccl. Rabbah 5.15.
27. Gen. Rabbah 9.7.
28. Berakot 17a. It is interesting to note here the higher spiritual

interpretation given by the Rabbis to the very anthropomorphic characterization of the Deity in this Biblical verse.

29. Op. cit., p. 116.
30. Gen. Rabbah 9.9 (Eccl. Rabbah 3.15) — הנה טוב מאוד, זה יצ"ט, והנה טוב מאוד, זה יצר הרע. וכי יצ"ה טוב מאוד? אמתהא אלא שאילו יצ"ה לא בנה אדם בית ולא נשא אשה ולא הוליד ולא נשא ונתן. וכן שלמה אומר (קהלת ד') כי היא קנאת איש מרעהו.
31. Yoma 69b, Sanhedrin 64a.
32. אמר להו נביא, חזו דאי קטילתון להווא איחרב כולי עלמא.
33. Sotah 47a, Sanhedrin 107b — יצר, תינוק ואשה, תהא שמאל דוחה — וימין מקרבת.
34. Agadat Bereshit, ed. Buber, I, 4.
35. Midrash Tehillim, ed. Buber, p. 374 (Yalkut, Psalms, #836).
36. Abot de-R. Nathan, Ch. 16 (ed. Schechter, Text A, p. 64); cf. Pesikta, ed. Buber, 80b, for the same saying ascribed there to R. Berakiah.
37. Gen. Rabbah 34.12.
38. Sukkah 52a, b.
39. Gen. Rabbah 27.5; Sukkah 52a, b.
40. Sukkah 52b.
41. Baba Batra 16a.
42. Op. cit., p. 122.
43. Ibid.
44. Sukkah 52a and b.
45. Ibid., 52b, Kiddushin 30b.
46. Gen. Rabbah 54.1.
47. Cf. above, Note 27.
48. Gen. Rabbah 22.11; cf. Sukkah 52a, Sanhedrin 99b, Sifrè, #112, on Num. 15.30. In Sukkah 52a, R. Asi ascribes the same insinuating tactics to sin. Note the significant interchangeable use of *Yezer* and sin, significant in that the source of sin is found in man's *Yezer Ra'* rather than in some external Evil Power.
49. Gen. Rabbah 22.11.
50. Sukkah 52b, Kiddushin 30b.
51. Gen. Rabbah 22.11.
52. Gen. Rabbah 22.14.
53. Sukkah 52b.
54. Sukkah 52a — כי הנדיל לעשות (יואל ב'). אמר אביי, ובתלמידי חכמים יותר מכולם... אתא ההוא סבא, תנא ליה, כל הנדול מחבירו יצרו גדול הימנו.
55. Cf. above, Note 26.
56. Abot III, 15 — הכל צפוי והרשות נחונה.
57. Kiddushin 30b.
58. Gen. Rabbah 22.12.
59. Abot IV, 1.
60. Cf. Gen. Rabbah 67.7.
61. Berakot 61b (Abot de-R. Nathan, 32), and cf. Eccl. Rabbah 4.15-16, where men are divided into two classes, the out-and-out evil, who always walk with their Evil *Yezer*, and the perfectly righteous, such as Abraham and Joseph, who always walked with their Good *Yezer*.
62. Pesikta, ed. Buber, 80b.

63. Kiddushin 30b. So Raba, in Baba Batra 16a — כר הקב"ה אומר להם לישראל, בני בראתי יצחק ובראתי לו תורה תכלין.
64. Sukkah 52b; and cf. above, Note 36.
65. Gen. Rabbah 22.15-16.
66. Shabbat 88b, 89a.
67. Pseudo-Seder Eliahu Zuṭa (Nishpahim), ed. Friedmann, p. 56; cf. *ibid.*, p. 47; Sifrè, on Deut. 32.3, ed. Friedmann, #306, p. 132b; Hullin 91b.
68. Cf. preceding note.
69. *Op. cit.*, Part II, pp. 107-108.
70. Berakot 5a.
71. Sukkah 52b.
72. Berakot 60b.
73. *Ibid.*
74. See on these private prayers, Taylor, *op. cit.*, Excursus V, pp. 142-145.
75. Berakot 17a.
76. 'Abodah Zarah 5b.
77. Sifrè, #112, on Num. 15.30; cf. above, Note 48.
78. Abot IV, 2.
79. *Op. cit.*, p. 79, Note 6.
80. Cf. above, Note 6.
81. Cf. above, Note 27.
82. Lev. Rabbah 17.7; cf. Ex. Rabbah 41.12.
83. Sukkah 52a.
84. *Op. cit.*, Part II, p. 114, Note.
85. *Op. cit.*, p. 134.
86. *Op. cit.*, pp. 146-156.
87. *Guide*, I, Ch. 34.
88. *Ibid.*, III, Ch. 8.
89. Commentary to the Mishnah, Introd. to *Helek*.

CHAPTER V

1. Deut. 1.5.
2. Art., "Deuteronomy", S. R. Driver, J. E., IV, 539.
3. *Hibbert Lectures*, Chap. IV, p. 183.
4. Chapter VI, pp. 295ff.
5. See on the following, Moore, *op. cit.*, Vol. II, pp. 109-111; Schechter, *Aspects*, Chap. XIII, pp. 199ff.; and the very informing study on the "Imitation of God" of I. Abrahams in *Pharisaism and the Gospels*, Second Series, pp. 138-182.
6. *Yad*, Introduction.
7. *Op. cit.*, First Series (1917), p. 17.
8. *Op. cit.*, First Series, p. 151.
9. *Op. cit.*, p. 199.
10. Sifra (ed. Weiss), 86c.
11. Midrash Tanḥuma (ed. Buber), III, 37b.
12. *Ibid.*, 37a.
13. Cf. Robertson Smith, *Religion of the Semites*, p. 140.

14. Sifra (ed. Weiss), 86c; so, *ibid.*, 57a.
15. Cf. Sifra (ed. Weiss), 81b, on Lev. 16.16.
16. For a discussion of *Hasidut*, see below, Chap. VI, pp. 254ff.
17. Baha Mezi'a 58b.
18. Mekilta, Shirah, 3 (ed. Friedmann, 37a; ed. Weiss, 44a), and cf. on this passage, Abrahams, *ibid.*, note 17, pp. 174-175.
19. Sifrè, Deut., #49.
20. Sotah 14a.
21. *Ibid.* — דרש ר' שמעון תורה תחילה גמילות חסדים וסופה ג"ח, וגו'.
22. *Op. cit.*, First Series, p. 167.
23. Gen. Rabbah 58.13.
24. Midrash Tehillim (ed. Buber), p. 372. On this virtue—so often praised by the Rabbis—of hearing reproach and answering no word, see also, Shabbat 88b, Sanhedrin 48b-49a.
25. Ed. Weiss, 43d, and see also below, the discussion on '*le-shemah*', pp. 210ff.
26. Gen. Rabbah, 49.14.
27. Mekilta (ed. Friedmann), 86a.
28. Lev. Rabbah 13.1.
29. Pesahim 66b.
30. See Seder Eliahu zuṭa (Tanna de Bè Eliahu), ed. Friedmann, p. 186, and Yalkuṭ, II Kings, #217.
31. Midrash ha-Gadol (ed. Schechter), p. 549, with reference to Ps. 66.5.
32. *Op. cit.*, p. 152.
33. *Op. cit.*, pp. 36f.
34. *Ibid.*, p. 38.
35. See Abrahams, *ibid.*, Note 14, p. 171-172.
36. Gen. Rabba 56.15 (Tanḥuma, Wayyera, 23).
37. Piṣḳta Rabbatti (ed. Friedmann), 138a.
38. Sifrè on Deut. 33.5 (ed. Friedmann #346) — ואתם ערי נאום ה' — ואני אל (ישעיה מ"ג). כשאתם ערי אני אל וכשאתם ערי אני אני אל.
39. Sifra (ed. Weiss), 86c — בקדושתו אני, בין מקדשים אותי ובין אין — מקדשים אותי.
40. Lev. Rabbah 31.11.
41. Shabbat 31b.
42. For some pertinent remarks on and references to Philo's development of the *Imitatio Dei* idea, see Abrahams, *ibid.*, Note 2, pp. 156-157.
43. Art., "Deuteronomy", J. E., IV, 541.
44. *Op. cit.*, Chapter III, pp. 35-64; and see below, Chapter VII, pp. 321ff.
45. Cf. Adolph Gutmacher, Art., "Fear of God", J. E., V, 354; Moore, *op. cit.*, Vol. II, 96, 98; and, especially, the essay of Bernard J. Ramberger, "Fear and Love of God in the Old Testament", *Hebrew Union College Annual*, VI (1929), pp. 39-53, whose main argument we have gone into somewhat in detail in the following pages, both because of its importance and because while agreeing with the first part of his thesis we take exception to the latter part thereof.
46. *Op. cit.*, p. 40, and *ibid.*, N. 4.

47. For the same combination elsewhere, cf. *ibid.* 11.11; 20.16 and Isa. 56.6.
48. *Op. cit.*, pp. 40-41.
49. *Ibid.*, p. 43.
50. Cf., for similar paralellisms, *ib.* 31.20; 33.18, 147.11.
51. *Ibid.*, p. 45.
52. *Ibid.*
53. Cf. Lev. 19.14; 25.17, 36, 43; 19.32.
54. *Ibid.*, p. 30.
55. *Ibid.*, p. 39.
56. *Ibid.*, p. 30.
57. *Ibid.*, p. 49.
58. Cf., for instance, Driver, *Commentary on Deuteronomy*, The International Critical Commentary, pp. XXVII, XXVIII.
59. Cf. Kohler, Art., "Love of God", J. E., VIII, 188-190; Driver, Art., "Deuteronomy", *ibid.*, IV, 540, and his *Commentary on Deuteronomy*, pp. *ibid.*, and XXI, 91, 125.
60. Art., "Deuteronomy", *ibid.*
61. Pp. 218ff.
62. Art., "Ethics", J. E., V, p. 247.
63. *Op. cit.*, Vol. II, pp. 89-90.
64. *The Moral Life of the Hebrews*, J. M. Powis Smith, New York (1923), pp. 144-145.
65. Cf., for instance, Abot V, 11.
66. *Op. cit.*, p. 262.
67. Lev. 19.16, 18, 34; 25.17, etc.
68. *Op. cit.*, p. 105.
69. *Op. cit.*, pp. 105-106.
70. *Op. cit.*, p. 180.
71. See also J. M. Powis Smith, *op. cit.*, pp. 322-323.
72. See *ibid.*, pp. 264ff.; and M. Buttenwieser, *The Book of Job*, pp. 40ff.
73. *Ibid.*, p. 323.
74. Cf. on the following Moore, *op. cit.*, Vol. II, pp. 95f., and Schechter, *op. cit.*, Chap. V, pp. 159ff.
75. Abot I, 3 — אֵל תְּהִיו כְּעֹבְרִים הַמִּשְׁמָשִׁין אֶת הָרֵב עַל מִנַּת לִקְבֹּל פָּרֶס, וְיִהְיֶה מוֹרָא שָׁמַיִם עֲלֵיכֶם.
76. 'Abodah Zarah 19a.
77. *Op. cit.*, Vol. II, p. 96.
78. Abot IV, 5; cf. *ibid.*, I, 13.
79. Ta'anit 7a; cf. Sifrè, Deut. #306, on Deut. 32.2, ed. Friedmann, 131b, end.
80. Berakot 17a — וְכֹל הַעוֹשֶׂה שְׂאֵל לְשִׁמְהָ נֹחַ לוֹ שְׂאֵל נִבְרָא.
81. Nedarim 62a; Sifrè, on Deut. 11.22.
82. Pesahim 50b (Sanhedrin 105b; Nazir 23b) — יְעוֹלָם יַעֲסוֹק אָדָם בְּתוֹרָה וּבִמְצוֹת אֲע"פ שְׂאֵל לְשִׁמְהָ, שֶׁמֶתוֹךְ שְׂאֵל לְשִׁמְהָ בֹא לְשִׁמְהָ.
83. Berakot 16b-17a — וְכֹל הַעוֹסְקִין שְׂאֵל לְשִׁמְהָ, יֵהִי רָצוֹן שִׁיחֵיו עוֹסְקֵיוֹ לְשִׁמְהָ.
84. Abot II, 2 — וְכֹל הָעַמְלִים עִם הַצְבוֹר יֵהִיו עֹמְלִים לְשֵׁם שָׁמַיִם.
85. *Ibid.* II, 12; cf. *ibid.* II, 17.

86. Ibid. IV, 11 (14).
87. Ibid. V, 20.
88. כל אהבה שהיא תלויה בדבר.
89. Ibid. V, 19.
90. See Taylor, *op. cit.*, pp. 103-104, Note 32.
91. Sifrè Deut. #92, ed. Friedmann, 73a (cf. Midrash Tannaim, ed. Hoffmann, p. 25) — הפריש (הכתוב) בין העושה מאהבה לעושה מיראה. מאהבה שכרו כפול ומכופל... אלא אתה עשה מאהבה, (שאינו לך) אהבה במקום יראה ויראה במקום אהבה אלא במדת הקב"ה בלבד.
92. Mishnah Sotah V, 5; cf. Tosefta Sotah 6, 1; Jer. Sotah 20c; Jer. Berakot 14b, Sotah 31a.
93. Sotah 31a.
94. Tos. Sotah 6.1; Jer. Sotah 20c.
95. Jer. Berakot IX, 14b; Jer. Sotah 20c; Sotah 22b.
96. Sifrè, Deut. #41, ed. Friedmann, 79b-80a (Nedarim 62a) — ת"ל לאהבה את ה' אלהיכם. מה שאתם עושים לא תעשו אלא מאהבה.
97. Sifra, ed. Weiss, 9b (Menaḥot 110a) — ובכך שיכוין את דעתו לשמים.
98. Midrash Tehillim (ed. Buber) 31.9.
99. Ibid. 119.1, 6.
100. Yebamot 24b.
101. *Op. cit.*, Vol. I, p. 337.
102. Yebamot 48b — לפי שאין עושין מאהבה אלא מיראה.
103. See Yebamot 47a, b.
104. Cf. S. Schechter, *Studies in Judaism*, Ch. VIII, "The Doctrine of Divine Retribution in Rabbinical Literature", pp. 213-232.
105. Shabbat 55a — אין מיתה בלא חטא ואין יסורין בלא עון.
106. Berakot 33a — אין ערור ממה אלא החטא ממה.
107. *Op. cit.*, II, pp. 320-321.
108. Cf. his *Gesch. d. Jud. Rel.*, II, 4th ed. p. 569f.
109. H. G. Enelow, "Kawwanah: the Struggle for Inwardness in Judaism", in *Studies in Jewish Literature*, Kohler Anniversary Volume, Berlin, 1913, pp. 82-107.
110. Ibid., pp. 87-88.
111. Megillah (*Mishnah*) 17a.
112. Michael Higger, *Intention in Talmudic Law*, New York, 1927, p. 62.
113. Rosh ha-Shanah 32b, and cf. *ibid.*, 33b, 28b, 29a; Sukkah 41b, 42a; 'Erubin 95b, 96a.
114. Berakot 30b.
115. Abot II, 18; cf. M. Berakot IV, 4.
116. Ta'anit 2a; cf. Megillah 20a, Sotah 5a.
117. Shabbat 127a. The other five most meritorious acts mentioned here are: welcoming the stranger, visiting the sick, rising early to attend the school of learning, raising one's children to be learned in the Law, and judging one's neighbor favorably.
118. Berakot 13b; cf. also Megillah 18a on 'overdoing the praise of God', and Rashi, Shabbat 118b., s. v., *Iyyūn Tefillah* (and references there given) in criticism of *Iyyūn Tefillah* in the sense of 'calculating' on prayer.
119. Cf. 'Erubin 95b, Pesahim 114b, Megillah 17a, Rosh ha-Shanah 28b; M. R. H. III.

120. Sifrè, Deut. 41, on Deut. 11.13 (ed. Friedmann, 80a).
121. "Duties of the Heart, The Book and its Author", by Edwin Collins, in *The Jewish Library*, Second Series, New York, 1930, p. 171.
122. Tenth Gate, Pereḳ 6, beginning. We follow here Collin's English translation.
123. Ibid., Pereḳ I, beginning.
124. *Yad*, Yesodè ha-Torah II, 1f., and comp. *Guide*, III, 52.
125. *Yad*, Teshubah, X, 1.
126. For another example of the same fact in Jewish medieval devotional literature, cf. the celebrated *Sefer Hasidim* of Jehudah he-Hasid (12th century), paragraphs 14, 164 and 165.
127. Translated into Hebrew from the Arabic by Samuel Ibn Tibbon; English translation by J. Abelson, J.Q.R. (O.S.), Vol. 19, from which we reproduce below.
128. In his Commentary to the Mishnah (Abot IV, 7), Maimonides insists that one should not take pay for teaching Torah.
129. Baḥya perceives this same pedagogic idea in the Biblical and Talmudic conception of reward and punishment, using a similar example.—*Hobot*, Gate IV, Pereḳ 4, towards the end.
130. This higher conception of reward and punishment Maimonides also describes in *Yad*, Teshubah IX, I.
131. Part III, Ch. 29.
132. Sanhedrin 111a.
133. Sanh. 90a.
134. We follow the English translation of Isaac Husik, *Sefer Ha-Ikḅarim* (Book of Principles), by Joseph Albo, Vol. III, pp. 271-272.
135. Ibid., pp. 272-273.
136. Ibid., pp. 273-274.
137. Ibid., p. 277.
138. See on the following, Moore, op. cit., Vol. II, pp. 100-109; Kohler, Art., "*Kiddush ha-Shem* and *Hillul ha-Shem*", J. E., VII, pp. 384-385; M. Lazarus, op. cit., Part II, pp. 13ff.
139. Ibid., p. 101.
140. Cf. Ezek. 22.26; 36.20-23; Mal. 1. 11f.
141. Cf. ibid., 38.16; 20.41; 28.25; 39.27.
142. Sifrè, Deut., #306 (ed. Friedmann, 132b).
143. Jer. Shebi'it 35a, end ('in the midst of the *Israelites*').
144. Cf. above, Note 14.
145. Cf. above, Notes 38 and 39.
146. Mekilta, Shirah, 3, near the end (ed. Friedmann 37b; ed. Weiss 44b).
147. Pesikta, ed. Buber 146b; cf. Gen. Rabbah 53.13.
148. Jer. Baba Mezi'a II, 8c and Deut. Rabbah 3.5 — הוֹי מֵאֲמוֹנָתוֹ שֶׁל בְּנֵי אֶתָּה יוֹדֵעַ אֲמוֹנָתוֹ שֶׁל הַקָּב"ה.
149. Tosef. Baba Ḳamma X, 15.
150. Baba Ḳamma 113a, near the end.
151. Tanḥuma, ed. Buber, Lek leka, #2; cf. Gen. Rabbah 38.19.
152. Pesikta, ed. Buber, 87a.
153. Sanhedrin 74a; Jer. Shebi'it 35a, below.
154. Berakot 61b, 'Abodah Zarah 17b-18a.

155. 'Abodah Zarah 27a; Cf. above, Ch. III, p. 92f.
156. Sifra, Aḥarè Mot, Pereḳ 13 (ed. Weiss, 86b); Sanhedrin 74a; 'Abodah Zarah 27b.
157. Ta'anit 18b; cf. also Sifrè Deut., #307, on Deut. 32.4 (Ḥanina ben Teradyon and his wife).
158. Cf. above, Note 149.
159. Baba Ḳamma 113b.
160. Jer. Nedarim III, 38b; Sanhedrin 107a.
161. Yoma 86a; cf. Mekilta, Yitro, 7, Tosefta Yom ha-Kippurim V, 6-8.
162. Abot IV, 5. In all other cases in Jewish religious law the said distinction consists in the obligation of the *Shogeg* to bring a sin-offering (*ḥaṭṭat*), whereas the penalty of the *Mezid* is *Karet* (excision from the community) or, in the case of very grave offenses, death. Cf. M. Higger, op. cit., pp. 32ff.
163. Kiddushin 40a.
164. Abot I, 11.
165. Cf., also, ibid., 84a; Pesahim 49a.
166. Ibid., Vol. II, p. 78.

CHAPTER VI

1. See on the following, S. Schechter, "Saints and Saintliness", in *Studies in Judaism*, Second Series, pp. 148-181, and his *Aspects*, Chapter XIII, "The Law of Holiness and the Law of Goodness", pp. 199-218; M. Güdemann, "*Moralische Rechtseinschränkung im Mosaisch-talmudischen Recht system*", *Monatschrift für Geschichte u-Wissenschaft des Judentums*, 1917, pp. 422-443.
2. Niddah 17a.
3. 'Abodah Zarah 20a, and variously stated elsewhere.
4. Cf. Baba Mezi'a 5b, Ḥullin 130b.
5. *Aspects*, Chap. XIII, p. 201.
6. Yebamot 20a — קדש עצמך במותר לך.
7. Pp. 154-164.
8. Abot V, 13.
9. Jer. Terumot, VIII, 46c, and Gen. R. 94.9.
10. Baba Ḳamma 50b.
11. *Studies*, ibid., p. 172.
12. See Ketubot 50a — באושא התקיננו, המבזבוז אל יבזבוז יותר מחומש, וְנו'.
13. Baba Batra 7b.
14. Bab Mezi'a (*Mishnah*), 83a.
15. Baba Mezi'a 30b — שהעמידו דיניהם על דין תורה ולא עברו לפנים משורת הדין. והזהרת אתהם את החקים ואת התורת, והודעת להם את הדרך ילכו בה ואת המעשה אשר יעשון.
16. So the Mekilta, on the same verse.
17. Baba Ḳamma 100a, b.
18. ועשית הישר והטוב בעיני ה'.
19. למען תלך בדרך טובים וארחות צדיקים תשמר.
20. Ketubot 97a.

22. אומן פטור.
23. Ta'anit 23b.
24. לקט, שכחה ופאה ומעשר עני.
25. Hulin 130b — א"ר חסדא, מרת חסידים שנו כאן.
26. במזמון.
27. Rosh ha-Shanah 17b, and Tesefta, ad. loc. — צדיק ה' בכל דרכיו (תהלי' קמ"ה), וכתוב (שם) וחסיד בכל מעשיו. בתחילה צדיק ולבסוף חסיד.
28. Berakot 7a — יהי רצון מלפני שיכבשו רחמי את כעסי ויגדלו רחמי על מדותי ואתנהג עם בני במדת רחמים ואכנס להם לפנים משורת הדין.
29. See on the following, Joseph I. Gorfinkle, *The Eight Chapters of Maimonides on Ethics* (whose translation we follow here in our quotations), p. 54, Note, and pp. 60-61; Note 3; M. Lazarus, op. cit., Part I, p. 273f., and Yellin and Abrahams, *Maimonides*, pp. 78-83.
30. II, 5-9; III, 8-14, IV.
31. Hilkot De'ot, I, 1-7; II, 2, 3, 7, and III, 1.
32. Op. cit., pp. 134-135.
33. Op. cit., pp. 79-81.
34. Op. cit., p. 60, Note 2.
35. Cf. above, Ch. IV, Note 17.
36. Shabbat 88b — עלובין ואינן עולבין, שומעין הרפתן ואינן משיבין, עושין מאהבה ושמתין ביסורין, עליהן הכתוב אומר (שופ' ה') ואוהביו כצאת השמש כנבורתו.
37. Op. cit., Part I, Appendix, pp. 274-276.
38. Op. cit., pp. 81-82.
39. Op. cit., p. 135, Note 1.
40. *The Theology and Ethics of the Hebrews*, 1902, Archibald Duff, p. 117.
41. Ezek. 3.16 — צופה נתחיר לבית ישראל.
42. וסביביו נשערה מאוד.
43. Yebamot 21b — מלמד שהקב"ה מדרק עם סביביו כחוט השערה.
44. Baba Mezi'a 33b — אלו ת"ח ששגגות נעשות להם כדוגנות.
45. Shebu'ot 39a (and elsewhere), derived here from Lev. 26.37 ('And they shall stumble one over the other').
46. Ibid., 39a, b.
47. Op. cit., Vol. II, p. 153.
48. Sifra on Lev. 19.17, #43.
49. See Sifrè, Deut., #1, on Deut. 1.1.
50. 'Arakin 16b; Sifrè, ibid., so the Sifra, on Lev. 19.17, attributed to R. Eleazar b. Azariah.
51. 'Arakin 16b; so the Sifra, ibid., attributed to R. Akiba.
52. Sifra, on Lev. 19.17.
53. Shabbat 88a; cf. 'Abodah Zarah 2b.
54. Ibid.; cf. 'Abodah Zarah 3a.
55. Nedarim 32a — גדולה תורה שאימלא תורה לא נתקיימו שמים וארץ.
56. Shabbat 88a, b.
57. Ibid.
58. Op. cit., p. 141.
59. Lev. 19.14; and cf. ib. ib. 32, 34; 25.36, 43.

60. Baba Mezi'a 58b, Kiddushin 32b; and see, Lazarus, op. cit., Part I, pp. 95 and 400-2.
61. M. Sanhedrin, IV, 5.
62. לפיכך נברא אדם יחירי, ללמדך שכל המאכר נפש אחת מבני אדם מעלה עליו הכתוב כאילו איבר עולם מלא, וכל המקיים נפש אחת מבני אדם מעלה עליו הכתוב כאילו קיים עולם מלא.
63. לפיכך כל אחד ואחד חייב לומר בשבילי נברא העולם.
64. See on the following, Tos. Kiddushin, I, 11; Jer. Kiddushin, 29a, b; 30a; and Moore, op. cit., Vol. I, pp. 127-135.
65. Op. cit., Vol. II, p. 321, and see ibid., pp. 308-322.
66. Tos. Kiddushin, ibid., Kiddushin 30b — כל מי שאינו מלמדו אומנות כאלו מלמדו לסתות.
67. Kiddushin 30b.
68. Abot II, 2; Cf. M. Kiddushin I, 10.
69. Kiddushin 30b; see Mekilta, on Ex. 20.2; Sifra, on Lev. 19.3 (ed. Weiss, 86d); Jer. Peah I, 15c, below.
70. Jer. Peah I, 15d, top.
71. Yebamot 6a; Sifra, on Lev. 19.3, #5.
72. Kiddushin 32a.
73. Kiddushin 31b; Sifra, on Lev. 19.3, #4.
74. Ibid.
75. Kiddushin 31b, 'Abodah Zarah 23b, 24a.
76. Nedarim 28a; cf. Baba Kamma 113a, and *Yad*, Hilcot Gezelah, 5, 11ff.
77. *Selected Essays by Ahad Ha-'Am*, translated by Leon Sanders, Philadelphia (J. P. S. A.), 1912, pp. 217-241.
78. "Judaism . . . distinguishes the Jews from the rest of mankind only in that it imposes on them exacting and arduous obligations, whereas for the non-Jews the yoke is lightened, and they are allowed the reward of a future life for the mere fulfillment of the most elementary moral duties, the so-called 'Seven Commandments given to the Sons of Noah.'"—Ibid., pp. 229-230.
79. Ibid., pp. 228-231.
80. Op. cit., p. 706.
81. Op. cit., Vol. I, p. 229.
82. Ibid.
83. Cf. Pss. 9.9 (Heb.); 22.28ff.; 47.2; 66.1ff.; 67.4ff. (Heb.); 68.33; 96-99; 100.1; 117.1; 138.4f.; 148.11, et passim.
84. Art., "Judaism", J. E., VII, 362.
85. See E. G. Hirsch, art., "Proselyte", J. E., X, 220f.
86. Op. cit., p. 243.
87. See Sifra, Kedoshim, Perek 4, ed. Weiss, 89b (Jer. Nedarim 41c, middle; Gen. Rabbah 24.8) — ואהבת לרעך כמוך (ויקרא י"ט). ר' עקיבא אומר, זה כלל גדול בתורה. בן עזאי אומר, זה ספר תולדות אדם (בראשית ה'), זה כלל גדול מזה.
88. Sifra, Aharè Mot, Perek 13 (ed. Weiss, 86b) — מניין אפילו גוי — ומושג את התורה הרי זה ככהן גדול? ת"כ, אשר יעשה אותם האדם וחי בהם.
89. Sanhedrin 59a; Baba Kamma 38a; 'Abodah Zara 3a.
90. Seder Eliahu Rabbah (Tanna de Bè Eliahu), ed. Friedmann, p. 48 — מעיד אני עלי את השמים ואת הארץ, בין גוי ובין ישראל, בין —

- איש ובין אשה בין עבר, בין שפחה, הכל לפי מעשה שעושה, רק רוק הקדש שורה עליו.
91. Tosefta Sanhedrin 13.2 (cf. Sanhedrin 105a) — ...הא יש צדיקים באומות שיש להם חלק לעולם הבא.
92. *Yad*, Hilkot Teshubah, 3, 5 — וכו' חסידי אומות העולם יש להם חלק לעולם הבא.
93. 'Abodah Zarah 2b; cf. Tanhuma, ed. Buber, Berakah, #3, 28a, and Pesikta, ed. Buber, 200a.
94. See op. cit., Vol. I, pp. 276-279.
95. Cf. Pesikta, ed. Buber, 200a.
96. Mekilta, Bahodesh, 2 (ed. Friedmann, 62a), on Ex. 19.2 — לפיכך נתנה תורה דימוס פרהסיה במקום הפקר, וכל הרוצה לקבל יבא ויקבל.
97. 'Roman' represents the language of Seir (Esau).
98. Sifre, Deut., on Deut. 33.2, #343 (ed. Friedmann, 142b).
99. Shabbat 88b.
100. Gen. Rabbah 49.2, Tanhuma, Lek leka, #19, and elsewhere.
101. Tos. Sotah 8.6; Sotah 35b.
102. Ibid., p. 278.
103. 'Abodah Zarah 3b — לעתיד לבא באין עכו"ם ומתניירין.
104. Yebamot 24b.
105. Tanhuma, ed. Buber, Wayyera, #38, p. 108.
106. See *Alenu*, J. E., I, 336ff.; Singer, *Authorized Daily Prayer Book*, pp. 76f.
107. Berakot 12a (Jer. Berakot 12d, attributed to Rab) — כל ברכה שאין בה מלכות אינה ברכה.
108. See E. G. Hirsch, art., "Proselyte", J. E., X, pp. 220-224, and Moore, op. cit., Vol. I, pp. 323-353.
108. *Contra Apionem*, II, 40.
109. Comp. Gen. Rabbah, 28.5 (with references to Zeph. 2.5) — הוי יושבי חבל הים גוי כרתים, גוי שהוא ראו כרת. ובאי זכות הן עומדין? בזכות גוי אחר, בזכות ירא שמים אחר שהן מעמידין בכל שנה.
110. See Mekilta, Mishpatim 18, on Ex. 22.20 (ed. Friedmann 95a), and ibid., 20, on Ex. 23.4 (ed. Friedmann 99a).
111. Yebamot 47b.
112. Lev. Rabbah 2.8 — כך שנו חכמים במשנה, נר שבא להתנייר, פושטין לו יד להכניסו תחת כנפי השכינה.
113. Gen. Rabbah 39.24 (end).
114. Ibid., 39.21.
115. Mekilta, ibid.
116. Pesahim 87b — לא הנגה הקב"ה את ישראל לבין האומות אלא כדי שיתוספו עליהם גרים.
117. Op. cit., Vol. I, p. 342.
118. Ibid., p. 353.
119. *Yad*, Hilkot Teshubah, IX, 2.
120. 'Erubin 13b — נמנו וגמרו, נוח לו לאדם שלא נברא יותר משנברא. עכשיו שנברא יפשפש במעשיו, ואמרי לה, ימשמש במעשיו.

CHAPTER VII

1. See on the following the present writer's, *Justice and Judaism in*

- the Light of Today*, 1928, Ch. III, pp. 35-64; J. M. Powis Smith, op. cit., pp. 83f.; 90f.; 96f.; 325; Moore, op. cit., Vol. II, pp. 156-7; 162-181; and Aḥad Ha-'Am, op. cit., "Flesh and Spirit", pp. 139-158.
2. Op. cit., p. 83.
 3. Op. cit., Vol. II, p. 156.
 4. Cf. Sanhedrin 111b, end.
 5. Tosefta Peah 4.19.
 6. Pesahim 112a (Shabbat 118a) — עשה שבתך חול ואף תצטרך לבריות.
 7. Baba Batra 110a (Pesahim 113a) — לעולם ישכיר אדם עצמו לעבודה — אלא עבודה זרה, עבודה שורה הימנו זרה ולא יצטרך לבריות... אלא עבודה זרה, עבודה שורה הימנו.
 8. Ibid.
 9. *Yad*, Hilkot Mattenot 'Aniyim X, 7.
 10. Cf. Baba Batra 10b; 'Abodah Zarah 17b; M. Ma'aser Sheni V, 9; Kiddushin 27a; Shabbat 113b.
 11. We have mention of the anxiety of a few pious Rabbis in the hour of death concerning their individual hereafter, as in the case of Joḥanan ben Zakkai (Berakot 28b), but, as Moore put it, this "is recorded because exceptional (which is rather evidence in their case of a peculiarly sensitive conscience); it was never cultivated as a mark of superior piety" (Ibid., p. 321).
 12. See E. G. Hirsch, Art., "Asceticism", J. E., II, 167f.
 13. Op. cit., p. 151.
 14. Jer. Nedarim IX, 41b.
 15. Ibid. — לא דייד מה שאסרה לך התורה שאתה מבקש לאסור עליך דברים אחרים!
 16. Nazir 22a — ומה זה שלא ציער עצמו אלא מן חיינו נקרא חוטא, המצער עצמו מכל דבר על אחת כמה וכמה.
 17. Jer. Kiddushin, 66d, end. — עתיד אדם ליתן דין והשבנו על כל מה שראת עינו ולא אכל.
 18. Lev. Rabbah, 34.3.
 19. Berakot 28b.
 20. Mark 10.17; Matt. 19.6; Luke 18.18.
 21. See Art., "Ascetics", K. Kohler, J. E., II, 167-169.
 22. *Yad*, De'ot, III, 1; VI, 1.
 23. *Kusari*, Part III, par. 1.
 24. Op. cit., pp. 146-147.
 25. Ibid., pp. 148-149.
 26. Op. cit., Vol. II, p. 312.
 27. Op. cit., pp. 288-289.

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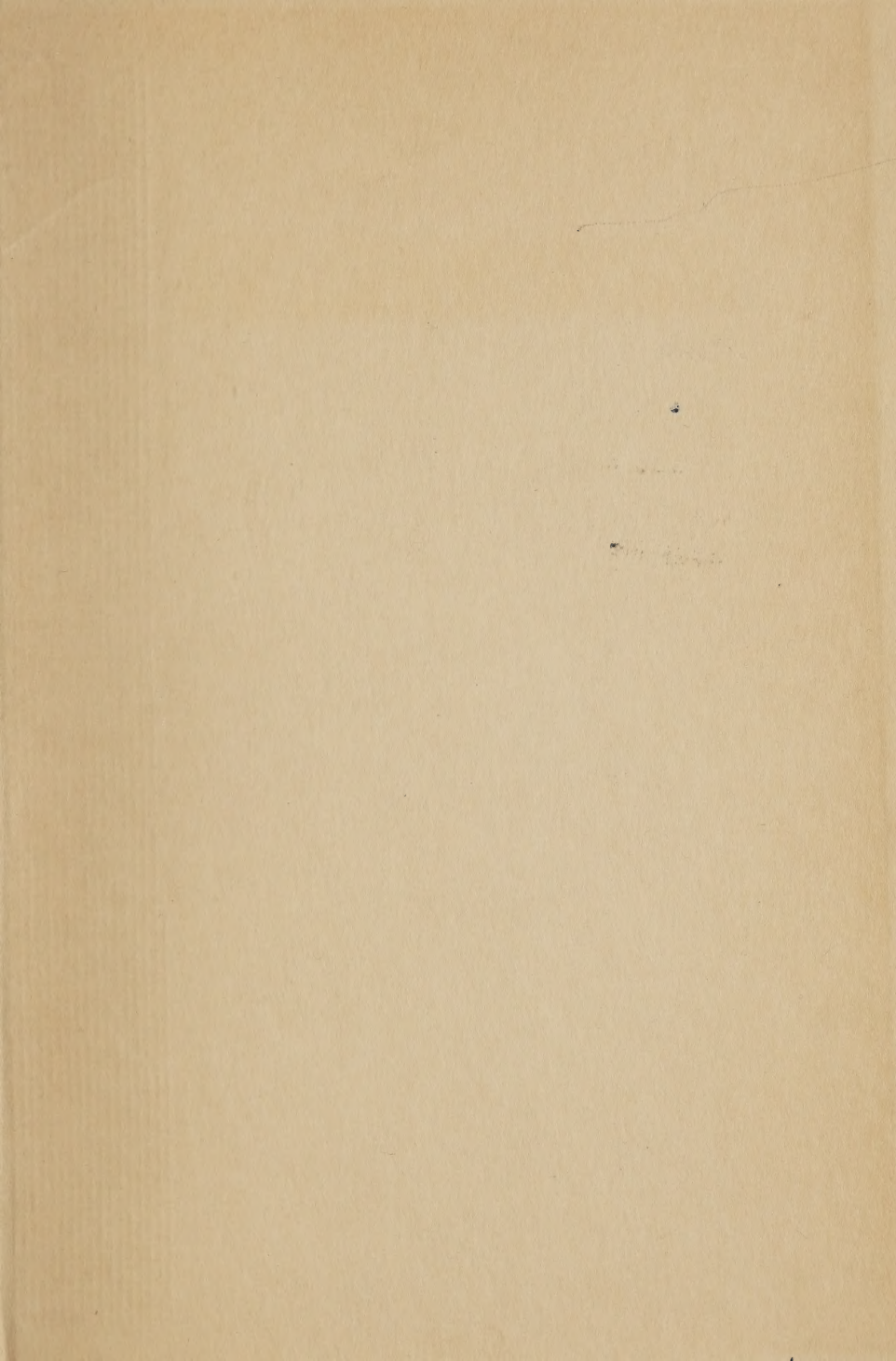
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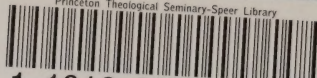
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